

**STATE BOARD OF ELECTIONS
STATE OF ILLINOIS**

2329 S. MacArthur Blvd.
Springfield, Illinois 62704-4503
217/782-4141 TTY: 217/782-1518
Fax: 217/782-5959

James R. Thompson Center
100 W. Randolph St, Ste 14-100
Chicago, Illinois 60601-3232
312/814-6440 TTY: 312/814-6431
Fax: 312/814-6485



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AGENDA
State Board of Elections
Sitting as the Duly Authorized
State Officers Electoral Board
Monday, July 23, 2012
10:00 a.m.

James R. Thompson Center – Suite 14-100
Chicago, Illinois
and via videoconference
2329 S. MacArthur Blvd.
Springfield, Illinois

Call State Board of Elections to order.

- 1. Recess the State Board of Elections and convene as the State Officers Electoral Board.**
- 2. Consideration of objections to fill vacancies in nomination for the November 6, 2012 General Election:**
 - a. *Imhoff v. Collins*, 12SOEBGE502.**
- 3. Consideration of objections to independent and new party candidate nominating petitions for the November 6, 2012 General Election;**
 - a. *Worthy v. Pierce*, 12SOEBGE102;**
 - b. *Chiles v. Dearing*, 12SOEBGE103;**
 - c. *Rakers v. McKerrow*, 12SOEBGE104;**
 - d. *Wiss v. Norris*, 12SOEBGE105;**
 - e. *Tozer v. Mazo*, 12SOEBGE106;**
 - f. *Cushman v. Stufflebeam*, 12SOEBGE107;**
 - g. *Carruthers v. Percy*, 12SOEBGE110;**
 - h. *DeVivo v. Tucek*, 12SOEBGE504;**
 - i. *Sloan v. Kossack*, 12SOEBGE508;**
 - j. *Hartweg v. Kay (Karkusiewicz)*, 12SOEBGE509;**
 - k. *Uzzell v. Evans*, 12SOEBGE510;**
 - l. *Douglas & Posateri v. Reyes*, 12SOEBGE511;**
 - m. *Sherman v. Clymer & Goode*, 12SOEBGE512;**
 - n. *Sherman v. Hawkins*, 12SOEBGE513;**
 - o. *Sherman v. Anderson & Boyd*, 12SOEBGE514;**
 - p. *Sherman v. Alexander & Mendoza*, 12SOEBGE515.**

4. Consideration of subpoena requests:
 - a. Storm/Eck v. Hartman, 12SOEBGP506
5. Recess the State Officers Electoral Board until August 6, 2012 at 10:00 a.m. or call of the Chairman, whichever occurs first.
6. Reconvene as the State Board of Elections.
7. Other business.
8. Adjourn until August 6, 2012 at 10:00 a.m. or call of the Chairman, whichever occurs first.

Imhoff v. Collins
12 SOEB GE 502

Candidate: Cary Collins

Office: State Senator, 22nd District

Party: Republican

Objector: Frank F. Imhoff

Attorney For Objector: Michael Kasper

Attorney For Candidate: Vincent Geisler and Christine Svenson

Number of Signatures Required: Not less than 1000

Number of Signatures Submitted: 1379

Number of Signatures Objected to: 627

Basis of Objection: Objector alleges that the nomination papers contain an insufficient number of valid signatures. Various objections were made against the petition signers including "Signer's Signature Not Genuine," "Signer Not Registered at Address Shown," "Signer Resides Outside of the District," and "Signer's Address Missing or Incomplete." Objector also alleges that the petition sheets contain signatures with the names of persons who are not eligible to sign the Candidate's petitions because they are not qualified primary voters or electors of the Republican Party because those signers voted in the Democratic Party's Primary Election on March 20, 2012.

Objector further alleges that the nomination papers contain two petition sheets, those numbered 10 and 62, which should be stricken because they do not bear a notarial jurat or were not otherwise properly notarized. Objector also alleges that page 45 of the nomination papers is not properly sworn to before a Notary Public or other appropriate officer because the date of notarization is not given, but instead the range of dates for circulation of the petition is set forth in the notarial jurat.

Dispositive Motions: Candidate's Motion to Strike and Dismiss the Objector's Petition, Objector's Response to Candidate's Motion to Strike and Dismiss, Candidate's Reply to Objector's Response,

Binder Check Necessary: Yes

Hearing Officer: Phil Krasny

Hearing Officer Findings and Recommendation: A records examination commenced and was completed on June 26, 2012. Both parties were present at the records exam. The examiners ruled on objections to 627 signatures. 349 objections were sustained leaving 1030 valid signatures, which is 30 signatures more than the required 1000 minimum number of signatures.

In his Motion to Strike, the Candidate raised the issue of failure to adequately state the nature of the objection and inconsistency with regards to certain multiple objections to the same voter. The Hearing Officer recommends dismissal of this allegation on the grounds that the objection was adequately specific

since it incorporated recapitulation pages to satisfy the requirements of Section 10-8 and he further noted that multiple objections are not inherently inconsistent.

The Hearing Officer next considered the issue of whether a voter who (in this case) voted in the Democratic Primary was ineligible to sign a nominating petition of a Republican Party candidate. After doing an exhaustive analysis of the relevant case-law, he concluded that a voter must be a qualified primary elector of a party to sign that party candidate's nominating petition. The case-law then establishes that to be such a qualified primary elector, that person must at a minimum have been eligible to vote in that party's most recent primary. Since Section 7-10 of the Election Code provides that one cannot vote in more than one party Primary, the voters who voted in the Democratic Primary were not eligible to vote in the Republican Primary, and therefore, were not qualified primary electors of the Republican party, and hence were ineligible to sign the Republican candidate's petition. This resulted in the striking of 56 signatures.

The Hearing Officer next recommended striking an additional 12 signatures, based on the circulator's affidavit not specifying the dates the petitions were circulated; a mandatory requirement. Combined with the 56 stricken signatures noted above, the Candidates petition contained 962 valid signatures.

The Objector attempted to use voter registration records to overturn the SBE staff ruling on 12 signatures, however since the records used were not certified and otherwise were unreliable, the Hearing Officer refused to admit the records into evidence.

The Candidate then presented 42 affidavits from registered voters whose signatures were stricken by SBE staff, to rehabilitate those signatures. In addition, the candidate called 3 witnesses who supposedly signed the Candidate's petition. The Hearing Officer ruled that the testimony of 2 of the 3 witnesses established that they lawfully signed the petition and he further ruled that 40 of the 42 affidavits established that the affiants did sign the petition and therefore were valid signatures. The Hearing Officer then denied the objection raised by the Candidate as to the competency of one of the records examination based on a lack of specific evidence to overturn any of that examiner's rulings. As a result of the Hearing Officer's rulings regarding the specific signatures challenged by the Objector, and the evidence presented by the Candidate to rehabilitate certain previously stricken signatures, the Candidate's net total of valid signatures was 1,004, which is 4 above the statutory minimum. He therefore recommends that the objection be overruled, and the Candidate be certified to the November General Election ballot.

Recommendation of the General Counsel: I concur with the recommendation of the Hearing Officer based on the reasons contained in his Report.

**BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS**

In the Matter of:
Frank Imhoff
Objector

vs.

Cary Collins
Candidate

Board File#: 12 SOEB GP 502

HEARING OFFICER'S FINDINGS AND RECOMMENDATIONS

I. PROCEDURAL HISTORY

The Candidate, Cary Collins, has filed nominating petitions in support of his placement on the ballot as the Republican Party nominee for the office of State Senator in the 22nd Legislative District.

On June 11, 2012, the Objector, Frank Imhoff, filed certain objections to those nominating petitions.

On June 19, 2012, the State Electoral Board ("the Board") appointed Philip Krasny as the Hearing Officer to conduct a hearing on the objections to the nominating petitions and present recommendations to the Board.

A case management conference was held on June 19, 2012 and was attended by the Candidate's attorney, Vincent Geisler, and the Objector's attorney, Mike Kasper.

The Candidate filed a Motion to Strike the Objector's Petition; the Objector filed a Response and the Candidate filed a Reply.

A records exam was conducted in Springfield on June 27, 2012. The results of the exam showed that the Candidate had submitted 1,379 signatures; 349 objections were sustained and

278 were overruled; resulting in a net of 1,030 valid signatures.

Rule 9 materials were timely submitted by both parties. Additionally, the Candidate timely requested the issuance of subpoenas. A recommendation regarding the Candidate's request for subpoenas was made to the Board by the Hearing Officer.

On July 3, 2012, a hearing on the objections to the nominating petitions was held at the offices of the State Board of Election, Chicago, Illinois. At the hearing, the Objector was represented by Michael Kasper. Vincent Geisler and Christine Svenson appeared on behalf of the Candidate.

The July 3, 2012 hearing was limited to the Objector presenting evidence, consisting of certified copies of voter records, which Objector posited demonstrated that 56 signors on the Candidate's nominating petitions were not qualified primary voters of the Republican Party because those signers voted in the Democratic primary election on March 12, 2012.

Following the presentation of the aforementioned evidence, the hearing was continued to July 12, 2012 at 2:00 p.m. at the Board's office in Chicago.

Prior to the resumption of the hearing, the Board approved the issuance of certain subpoenas requested by the Candidate. Additionally, the Candidate and Objector filed a Response and Reply, respectively, regarding the issue of whether the 56 signers who had previously voted in the Democratic primary were not qualified primary voters of the Republican Party.

At the July 12, 2012, hearing the Objector was again represented by Michael Kasper. Vincent Geisler and Christine Svenson appeared on behalf of the Candidate.

II. ANALYSIS

A. MOTION TO STRIKE

1. Failure to adequately state the nature of the objections with specificity

The Candidate's Motion to Strike seeks to dismiss the Objector's petition because, inter alia, the petition failed to state the nature of the objections with specificity and were replete within consistencies and conflicting objections. In his Response, the Objector argues that his petition contained an Appendix Recapitulation that specified the sheet and line number of the challenged signatures, as well as the nature of the objections. Further, the Objector argues that multiple objections to the same signature do not make the objections inconsistent or conflicting. Rather, it just identifies multiple reasons for striking a signature. Your Hearing officer agrees.

10 ILCS 5/10-8 provides, in pertinent part, as follows:

The objector's petition shall give the objector's name and residence address, and shall state fully the nature of the objections to the certificate of nomination or nomination papers or petitions in question, and shall state the interest of the objector and shall state what relief is requested of the electoral board.

The provisions of this Section and of Sections 10-9, 10-10 and 10-10.1 shall also apply to and govern objections to petitions for nomination filed under Article 7 or Article 8.

An examination of the Objector's petition reveals that it contains his name, residence address, the interest of the objector and the relief requested from the electoral board. The requirement that the petition "shall state fully the nature of the objections to the certificate of nomination or nomination papers or petitions in question" is satisfied by the Appendix Recapitulation, which provides the Candidate with the specific page and line number of the challenged signatures, as well as the specific basis for the objection. Clearly, the Appendix Recapitulation was sufficient for the Board employees to conduct its binder check without difficulty and provided the Candidate with the ability to prepare a defense.

2. Whether the 56 signors appearing on the Candidate's nominating petitions were not "qualified primary electors" of the Republican Party, since those signers previously voted in the Democratic primary election on March 12, 2012.

The second issue raised in Objector's Motion to Strike pertains to whether 56 signers appearing on the Candidate's nominating petitions, who had voted in the Democratic primary election held on March 12, 2012, were not "qualified primary electors" of the Republican Party.

In defining and applying "qualified primary elector", one is guided by the cardinal rule of statutory construction---"to ascertain and give effect to the legislature's intent ***." *First American Bank Corp. v. Henry*, 239 Ill. 2d 511, 515 (2011). While the most reliable indicator of legislative intent is the language of the statute which must be given its plain and ordinary meaning. *Taylor v. Pekin Insurance Co.*, 231 Ill. 2d 390, 395 (2008), a court must construe the statute as a whole, viewing words and phrases in light of other relevant statutory provisions and not in isolation. *In re E.B.*, 231 Ill. 2d 459, 466 (2008). Each word, clause, and sentence of the statute must be given a reasonable meaning, if possible, and should not be rendered superfluous or meaningless. *In re Marriage of Kates*, 198 Ill. 2d 156, 163 (2001). In construing a statutory term, it is presumed that that the legislature did not intend unjust, inconvenient, or absurd results. *People ex rel. Birkett v. Jorgensen*, 216 Ill. 2d 358, 363 (2005).

Additionally, in ascertaining legislative intent, if a statute's language is unclear then courts may resort to similar statutes or other sources to aid inquiry. *Mowen v. Holland*, 336 Ill. App. 3d 368, 374 (2003)). One such source includes the maxim of *in pari materia*, under which two statutes, or two parts of one statute, concerning the same subject must be considered together to produce a "harmonious whole." *Sulser v. Country Mutual Insurance Co.*, 147 Ill. 2d 548, 555 (1992)).

Thus, identifying who is a "qualified primary elector" and whether that term precludes a registered voter from signing a nominating petition for a Republican if the same voter had voted as a Democrat in the same primary cycle, begins with a review of the relevant sections of the

Election Code, including 10 ILCS 5/8-8.

10 ILCS 5/8-8, which is applicable to the nominating petitions filed by the Candidate in the instant case, provides, in pertinent part, as follows:

All petitions for nomination for the office of State Senator shall be signed by at least 1,000 but not more than 3,000 of the *qualified primary electors of the candidate's party in his legislative district*. (Emphasis added)...

A "qualified primary elector" of a party may not sign petitions for or be a candidate in the primary of more than one party.

While 10 ILCS 5/8-8 does not currently provide a definition of "qualified primary elector", the section had previously defined "qualified primary elector" as an elector who had not requested a primary ballot of any party at a primary election held within 2 years of the date on which the petition must be filed. Similarly, 10/ILCS 5/7-10, which pertains to nominating petitions for offices other than which the Candidate in the instant case is running also used the term "qualified primary elector"¹ and had defined "qualified primary elector" as an elector who had not requested a primary ballot of any party at a primary election held within 2 years of the date on which the petition must be filed. However, the Supreme Court, in *Sperling v. County Officers Electoral Board*, 57 Ill. 2d 81, 309 N.E.2d 589 (1974), ruled that the two-year "no switch" rule was excessive and found to be unconstitutional) *Kusper v. Pontikes*, 414 U.S. 51, 94 S. Ct. 303 (1973); *Dooley v. McGillicuddy*, 63 Ill. 2d 54, 345 N.E.2d 102 (1976).

In light of *Sperling*, the issue of whether less severe limitations on party switching could withstand constitutional scrutiny was addressed by the appellate court in *Cullerton v. Du Page*

¹ 10/ILCS 5/7-10 provides, in pertinent part, as follows:

Such petition shall be signed by qualified primary electors residing in the political division for which the nomination is sought in their own proper persons only and opposite the signature of each signer, his residence address shall be written or printed.

A "qualified primary elector" of a party may not sign petitions for or be a candidate in the primary of more than one party. (emphasis added).

County Officers Electoral Board, 384 Ill. App. 3d 989 (2008) and by the Illinois Supreme Court in *Hossfeld v. State Board of Elections*, 238 Ill.2d 418, (2010)

In *Cullerton*, the issue was whether Thomas Cullerton was a "qualified primary voter of the Democratic Party" for purposes of section 7-10 of the Election Code. Cullerton had voted a Republican ballot in the February 2008 general primary election in Du Page County. Following that primary, the Democratic Party, who had no candidate for State Senator of the 23rd Legislative District, nominated Cullerton as its candidate for the November 2008 general election. The DuPage County Electoral Board sustained an objection to Cullerton's candidacy, which the circuit court reversed. On appeal, the appellate court held that Cullerton was ineligible to run as a Democratic candidate in the general primary election. *Cullerton*, 384 Ill. App. 3d at 990.

After reviewing the history of the party-switching provisions in the Election Code, the appellate court concluded: "The plain and ordinary meaning of the requirement that a candidate be a qualified primary voter of the party for which he seeks a nomination mandates, if nothing else, that the candidate have been eligible to vote in the primary for that party in the most recent primary election preceding the candidates' filing the statement of candidacy." *Cullerton*, 384 Ill. App. 3d at 996.

The appellate court explained that when Cullerton chose to vote in the Republican and not the Democratic primary in 2008, he was "locked" as a Republican primary voter until the next primary, then scheduled for 2010. Thus, at the time Cullerton submitted his statement of candidacy, he was not a qualified primary voter of the Democratic Party. *Cullerton*, 384 Ill. App. 3d at 996. Thus, *Cullerton* pertained to a situation where the candidate attempted to switch parties within one election cycle or season, *i.e.*, Cullerton voted a Republican ballot at the

primary, but then sought to run as a Democratic candidate at the general election for which that primary was held.

Hossfeld v. State Board of Elections, 238 Ill.2d 418, (2010) concerned the party-switching restrictions on political candidates for the General Assembly under 10 ILCS 5/8-8 (West 2008). The relevant facts in *Hossfeld* were not in dispute. In February 2009, Steven Rauschenberger, who had historically voted a Republican ballot in primary elections, voted a Democratic ballot in the consolidated primary election in Elgin Township because his sister was running as trustee. The general township election, for which that primary was held, took place in April 2009. Six months later, in October 2009, Rauschenberger filed nomination papers seeking the Republican nomination for the office of State Senator of the 22nd Legislative District for the February 2, 2010, general primary election.

Pursuant to section 8-8 of the Election Code (10 ILCS 5/8-8 (West 2008)), Rauschenberger's nomination papers included a sworn "statement of candidacy" which stated, in relevant part, that Rauschenberger was a "qualified primary voter of the Republican Party."

Prior to the general primary election, Frederick J. Hossfeld filed an objector's petition challenging Rauschenberger's eligibility to run as a Republican candidate. Hossfeld argued that Rauschenberger's statement of candidacy falsely stated that he was a "qualified primary voter of the Republican Party." Relying on *Cullerton*, Hossfeld maintained that because Rauschenberger had voted as a Democrat at the most recent primary election preceding the filing of his nomination papers, his status was "locked" as a Democratic primary voter until he voted in the February 2010 general primary election.

The State Officers Electoral Board appointed a hearing examiner who, relying on the *Cullerton* case, recommended that Hossfeld's objection be sustained. The Board's general

counsel concurred. A subsequent vote by the eight-member Board, however, resulted in a tie vote. Because a majority vote is required to invalidate nomination papers (10 ILCS 5/10-10 (West 2008)), Rauschenberger's name remained on the ballot for the February 2010 general primary election pending judicial review in the circuit court of Cook County.

In an expedited appeal, the appellate court affirmed, finding that the Election Code "no longer provides express time limitations on party-switching for candidates," and that Rauschenberger was a qualified primary voter of the Republican Party. 398 Ill. App. 3d at 743.

On appeal to the Supreme Court, Hossfeld argued that, pursuant to *Cullerton*, Rauschenberger was not a "qualified primary voter of the Republican Party" because he voted a Democratic ballot in "the most recent primary election preceding the filing of [his] statement of candidacy," and he was thus "locked" as a Democratic primary voter until he voted in the 2010 general primary election. Hossfeld maintained that no significance attached to the fact that the Democratic ballot he voted was in a consolidated or local election, which was completed prior to Rauschenberger filing his nomination papers for a statewide office.

Rauschenberger responded that the General Assembly had eliminated the "lock out" provisions in the Election Code, which were held unconstitutional under *Kusper v. Pontikes*, 414 U.S. 51, 38 L. Ed. 2d 260, 94 S. Ct. 303 (1973); *Sperling v. County Officers Electoral Board*, 57 Ill. 2d 81 (1974)), and that under the current Election Code, Rauschenberger properly declared himself a qualified primary voter of the Republican Party. Accordingly, Rauschenberger maintained that his Democratic vote in the 2009 consolidated election in Elgin Township did not preclude him from declaring himself a qualified primary voter of the Republican Party in his nomination papers for the 2010 general primary election.

The Supreme Court agreed with Rauschenberger. In arriving at its ruling the *Hossfeld*

court explained that the Election Code had at one time precluded a person to vote at a primary election if he had voted at the primary election of another political party within the preceding 23 months. Ill. Rev. Stat. 1971, ch. 46, par. 7-43(d). It observed that Section 7-10 contained a similar restriction applicable to signers of nominating petitions for primary elections and candidates for nomination in such primary elections. Section 7-10 required that nominating petitions shall be signed by "qualified primary electors," and that candidates, in their nomination petitions, must swear that he or she "is a qualified primary voter of the party to which the petition relates." Ill. Rev. Stat. 1971, ch. 46, par. 7-10. For purposes of determining eligibility to sign a nomination petition or to be a candidate, section 7-10 provided, in relevant part, that a "qualified primary elector" of a party "is an elector who has not requested a primary ballot of any other party at a primary election held within 2 years of the date on which the petition must be filed." Ill. Rev. Stat. 1971, ch. 46, par. 7-10.

The *Hossfeld* court noted that restrictions on party-switching set forth in section 7-10 were mirrored in article 8 of the Election Code, which governed nominations of members of the General Assembly. Section 8-8 required a candidate to swear, in his or her statement of candidacy, that he or she is a "qualified primary voter of the party to which the petition relates." For purposes of determining eligibility to sign a nomination petition or to be a candidate under article 8, a "qualified primary elector" was defined in relevant part as "an elector who has not requested a primary ballot of any other party at a primary election held within 2 years of the date on which the petition must be filed." Ill. Rev. Stat. 1971, ch. 46, par. 8-8.

The *Hossfeld* court noted that when it decided *Sperling v. County Officers Electoral Board*,⁵⁷ Ill. 2d 81 (1974), the two-year no-switch rule applicable to voters who wish to sign primary nominating petitions, set forth in section 7-10 was no longer operative. *Sperling*,⁵⁷ Ill.

2d at 84.

The *Hossfeld* court acknowledged that in *Sperling* it also considered the continuing viability of the two-year no-switch rule applicable to candidates in primary elections. However, in deciding *Sperling*, the court concluded that because the party-switching restrictions upon the three categories of voters were so closely related, the General Assembly would not have enacted the portion relating to candidates apart from some restrictions upon voters generally, and upon voters who sign primary nomination petitions. *Sperling*, 57 Ill. 2d at 86. "In these circumstances the restrictions upon candidates cannot be considered independent and severable from the invalid portions of the plan." *Sperling*, 57 Ill. 2d at 86. (Later the Supreme Court clarified that, in the absence of amendatory legislation, the effect of the decisions in *Kusper* and *Sperling* was to "render inoperable" the two-year party-switching restrictions. *Dooley v. McGillicuddy*, 63 Ill. 2d 54, 60 (1976)).

The *Hossfeld* court also reviewed *Cullerton* and found that, unlike the Candidate in *Cullerton*, the election cycle or season during which Rauschenberger voted a Democratic ballot — the 2009 consolidated election in Elgin Township — was completed with the general township election in April 2009, prior to Rauschenberger aligning himself with the Republican Party in his October 2009 nomination papers for purposes of the 2010 general primary. Thus, the court concluded that Rauschenberger had not attempted to switch parties during the new election cycle. Additionally, the court declared that:

Moreover, we find nothing in the language of section 7-10 or 8-8 of the Election Code to support Hossfeld's argument that Rauschenberger's nomination papers falsely state that he is a "qualified primary voter of the Republican Party." As the appellate court here correctly observed, the Election Code no longer contains express time limitations on party-switching and Rauschenberger did not run afoul of the only remaining restriction, set forth in both sections 7-10 and 8-8, that a "'qualified primary elector' of a party may not sign petitions for, or be a candidate in, the primary of more than one party" See 398 Ill. App. 3d at 744. ... Though we agree with Hossfeld that party-switching restrictions on

candidates for public office are an important protection in the electoral process, "[s]uch restrictions and establishment of the periods of time involved are, within constitutional limitations, matters for legislative determination." *Sperling*, 57 Ill. 2d at 86. After deleting the two-year no-switch rule, the General Assembly has not seen fit to enact any further time restrictions. Accordingly, under the present Election Code, Rauschenberger's nominating papers are valid.

Simply put, the *Hossfeld* Court found that Rauschenberger should remain on the ballot because his conduct "did not run afoul of the only remaining restriction set forth in both sections 7-10 and 8-8, [which provided] that "'qualified primary elector' of a party may not sign petitions for, or be a candidate in, the primary of more than one party".

In the instant case, the legislative history of the pertinent sections of the Election Code reveals that the General Assembly deleted its definition of "qualified primary elector" as "an elector who has not requested a primary ballot of any other party at a primary election held within 2 years of the date on which the petition must be filed" and amended sections 7-10 and 8-8 to reflect that "[a] 'qualified primary elector' of a party may not sign petitions for or be a candidate in the primary of more than one party". The actions of the legislature reflects an intent to preserve the integrity of the electoral process by imposing reasonable restrictions on the electoral process, while not unconstitutionally infringing on the right of free political association protected by the first and fourteenth amendments. Accordingly, interpreting the "qualified primary elector" as prohibiting voters from one major party from signing nominating petitions of persons in an opposing major party within the same election cycle is consistent with the *Hossfeld* and *Cullerton* and is a reasonable balance between an individuals' right of free political association and preservation of the integrity of the electoral process.

Restrictions on voters from changing parties within the same election cycle is supported by the holding in *Rosenzweig v ISBE*, 409 Ill. App.3d 176 (1st Dist. 2011), the latest case to deal with and applying the term "qualified primary elector".

In *Rosenzweig*, the appellate court held that section 8-8 of the Illinois Election Code (10 ILCS 5/8-8 (West 2008)) prohibited an individual from signing a petition for a candidate and being a candidate in the primary of more than one party. In arriving at its opinion, the court relied on the Illinois Supreme Court decision in *Lucas v. Lakin*, 175 Ill. 2d 166, 170 (1997) and held that "that a signature on a nominating petition indicates support of the candidate whose name appears on the petition". *Lucas*, 175 Ill. 2d at 173. It also relied on the Seventh Circuit's decision in *Citizens for John W. Moore Party v. Board of Election Commissioners*, 794 F.2d 1254, 1261 (7th Cir. 1986), wherein the "The [Seventh Circuit] explained that such restrictions prevent political maneuvers that could affect the quality of the candidates who will be on the ballot. If one party determines that a certain opponent will be a weaker candidate in the general election, that party could circulate petitions on behalf of the weaker candidate for the primary election in the hope that votes will be drawn away from an opposition candidate the party deems to propose a greater threat to its chances of prevailing in the general election". 409 Ill. App.3d at 181.

Based upon the developing case law, it is reasonable to find that "[a] 'qualified primary elector' of a party may not sign petitions for or be a candidate in the primary of more than one party", was intended to preclude the 56 signers appearing on the Candidate's nominating petitions who voted in the Democratic primary election on March 12, 2012 from signing the Candidate's Republican Party nominating petition. Accordingly, it is recommended that the Board strike the 56 signers appearing on the Candidate's nominating petitions who voted in the Democratic primary election on March 12, 2012.

2. Whether the failure of the circulator's affidavit to include the dates the petitions were circulated renders the 12 signatures on those pages invalid.

Objector seeks to strike the 12 signatures on pages 82 and 86 of the Candidate's nominating

petitions since the dates of circulation were not included in the circulator's affidavit. The Candidate posits that the failure was a scrivener's error and does not impact the efficacy of the affidavit. Alternatively, the Candidate sought a continuance in order to have the circulator testify to the dates that he circulated the petition.

The Objector stipulated that the circulator would testify that the dates he/she circulated the nominating petitions were consistent with the Code, but maintained that the defect could not be cured by subsequent testimony.

10 ILCS 5/7-10 provides, in pertinent part, as follow:

At the bottom of each sheet of such petition shall be added a circulator statement... certifying that the signatures are genuine; and either (1) indicating the dates on which that sheet was circulated, or (2) indicating the first and last dates on which the sheet was circulated, or (3) certifying that none of the signatures on the sheet were signed more than 90 days preceding the last day for the filing of the petition and certifying that to the best of his or her knowledge and belief the persons so signing were at the time of signing the petitions qualified voters of the political party for which a nomination is sought. Such statement shall be sworn to before some officer authorized to administer oaths in this State.

Although the language of 7-10 is mandatory, courts have found that, in some instances, substantial compliance with mandatory provisions would satisfy the section when deviations are technical in nature. (See for example, *Madden v. Schumann*, 105 Ill. App.3d 900, 903 (1982), holding that the candidate's omission of the phrase "is a registered voter" from the circulator's oath, as required by section 7-10, was a technical deviation that did not warrant removal from the ballot; and *Stevenson v. County Officers Electoral Board*, 58 Ill. App.3d 24, 26 (1978), finding that the candidate's failure to number his nominating petitions consecutively, as required by section 7-10 of the Election Code, was a mere technical deficiency that did not render his nominating papers invalid.

However, where the failure to comply with a mandatory provision of 7-10 is more than a

technical violation, then the signatures on the petition should be stricken. (See *Havens v. Miller*, 102 Ill. App. 3d 558, 429 N.E.2d 1292 (1st Dist. 1981), where court held that with respect to the circulator's affidavit, a petition that failed to include the circulator's residence address and certification that the circulator believed that the people who signed the petition were registered voters who gave their correct residence address rendered the petition invalid, even if the signers of the petition stated that they were voters who reside within the political subdivision, and each signer gives an address after his or her signature.)

Likewise, the failure to comply with the mandatory statutory provision requiring a circulator to indicate when the nomination petition was circulated has been held to be a mandatory provision that requires strict, not substantial, compliance. (See *Simmons v. DuBose*, 142 Ill. App. 3d 1077, 492 N.E.2d 586 (1st Dist. 1986) where court held that the statutory provision which requires the circulator to indicate when the nomination petition was circulated mandatory, not directory and those sheets of the nomination petitions which failed to indicate that the circulation dates on the sheets were circulated within that period rendered all the signatures on those sheets invalid; (See also *Hagen v. Stone*, 277 Ill. App.3d 388, 660 N.E.2d 189(1995), in which the court found that the provision requiring that a circulator's affidavit include a statement as to when the sheet was circulated is a mandatory provision and that the failure to comply with the provision resulted in signatures contained on these sheets as being invalid). Accordingly, your Hearing officer recommends that the 12 signatures on pages 82 and 86 of the Candidate's nominating petitions be held invalid and stricken.

3. Whether the use of uncertified records to challenge the residency of 12 voters appearing on the Candidate's nominating petitions should be allowed.

The Objector took exception to 12 objections set forth in his petition which the Record Examiner overruled. In attempting to challenge the Record Examiner's ruling, Objector sought

to introduce uncertified voting records which Objector posited showed that 12 voters, which the Record Examiner found lived at the residences listed on the nominating petition, did not reside there. The Candidate objected to the introduction of the records, arguing that the uncertified records lacked veracity and proper foundation.

To lay the foundation for the records, the Objector called Rudy Patitucci as a witness. Mr. Patitucci testified that he was employed by the Senate Democratic Victory Fund and had been requested by Mr. Kasper to obtain certified records from the Board of Elections. In carrying out his task, he spoke to a woman at the Board. He then instructed his associate, Erick, to follow up with the woman at the Board and obtain the records.

Patitucci further testified that after July 4, 2012, Erick provided him with a disk, which Patitucci believed was a certified copy of voting records, as well as several printed pages, which he understood had been printed from the disk. Patitucci testified he never looked at the disk and, accordingly, was unaware of its contents. He also testified that he never compared the printed pages to the information on the disk and was unable to acknowledge that the items on the disk matched the printed sheets.

Based upon the above testimony, it is the Hearing Examiner's opinion that the several pages that Objector sought to introduce into evidence to refute the Record Examiner's rulings lacks reliability and trustworthiness. Accordingly, it is the Hearing Examiner's recommendation that the several pages not be admitted into evidence.

CANDIDATES' CASE

The Candidate attempted to challenge 46 of the 349 sustained objections made by the Record Examiner by submitting 42 affidavits (43 affidavits marked as exhibits, however, 1 affidavit was withdrawn) which averred, inter alia, that the persons who signed the Candidate's

petition were the registered voters who lived at the addresses identified in the Candidate's petitions.

Additionally, 3 witnesses testified at the hearing.

1. Testimony of Dante De Guzman, Maureen Macklin, and Johnnelle Williams.

Dante De Guzman, Maureen Macklin, and Johnnelle Williams testified that they had been subpoenaed to appear at the hearing on July 12, 2012. Macklin and Williams testified that they had signed the Candidate petitions and were registered voters at the address listed on the petition.

Dante De Guzman also testified that he was registered voters at the address listed on the petition. (Exhibit 1, Sheet 5, line 4). However, he testified that he could not sign the nominating petition because of an injury to his finger and directed his wife, Barinda, to sign his name for him.

Barinda De Guzman was also called as a witness and verified that she signed her husband's name on the petition at his direction and because he had injured his finger.

The Objector objected to the validity of Dante De Guzman's signature, arguing that the Election Code did not provide authority for a registered voter to appoint another as his agent to ascribe his/her signature to a nominating petition.

Both 10 ILCS 5/7-10 and 10 ILCS 5/7-10 provide that nominating petitions "shall be signed by qualified primary electors residing in the political division for which the nomination is sought in *their own proper persons* only and opposite the signature of each signer..."(emphasis added).

Clearly, the requirement that each person sign nominating petitions "in their own proper person" is rationally related to preserving the integrity of the electoral process, since the potential mischief associated with persons signing the name of another voter would make any record

examination problematic. Accordingly, based upon the specific statutory requirement that each voter sign the petition "in their own proper person", Mrs. De Guzman signing her husband's name to the Candidate's petition, even though authorized, is prohibited by statute and it is recommended that the signature be stricken.

2. Affidavits

a. Of the 42 affidavits submitted, the Objector objected to the following 23 affidavits on grounds that the signature exemplars on the affidavit, when compared to the signature on the nominating petition, did not match.

| Exhibit # | Name | Sheet/Line # |
|------------------|--------------------|---------------------|
| 7 | Julie Gorvertt | 16/6 |
| 9 | Lois Betold | 16/13 |
| 13 | Himanshu Deoskar | 27/3 |
| 15 | Joseph Scaccianoce | 35/4 |
| 17 | Darlene Bruns | 37/10 |
| 18 | Billy Pagley | 38/2 |
| 21 | Joseph Muenzer | 41/7 |
| 22 | Katherine Muenzer | 41/9 |
| 24 | Andrew Castro | 48/6 |
| 25 | Anu Alakkatt | 49/2 ² |
| 26 | Saibu Alakkatt | 49/3 |
| 28 | Caryn Einsweiler | 62/9 |
| 32 | Staish Joshi | 73/4 |
| 34 | Edgar Torres | 76/6 |
| 35 | Marie Maier | 77/2 |
| 36 | Kyung Lee | 77/5 |
| 37 | Alejandro Uy | 77/9 |
| 39 | Rickey Ebel | 79/15 |
| 40 | Susan Archer | 80/2 |
| 43 | Andria Gersch | 106/11 |
| 44 | Donna Bolden | 106/12 |
| 45 | Steven Lee | 113/1 |
| 46 | Dawn Edwards | 115/5 |

Any party objecting to an affidavit in which an affiant avers that he/she is the person who

² Objector also objected to the affidavit based on his opinion that the signature on the affidavit appeared similar to the signatures on lines 3 and 4 of sheet 49

signed a nominating petition must submit competent evidence rebutting the sworn testimony. Since an affidavit subjects the affiant to criminal penalties, it is the Hearing Officer's opinion that a lay opinion that signature exemplars on an affidavit, when compared to the signature on the nominating petition, do not appear to be the same, is insufficient to refute the sworn testimony. Accordingly, it is recommended that the Objector's objections to the 23 aforementioned affidavits be overruled.

b. The Objector objected to the affidavit of Ranatto Esperanza (Exhibit 11, sheet 17, line 6) because the alleged affiant did not properly sign the affidavit. An examination of the "affidavit" shows signature exemplars, but is missing the signature on the line which was notarized. Accordingly, the Hearing Officer recommends that the affidavit is insufficient and that the signature be stricken.

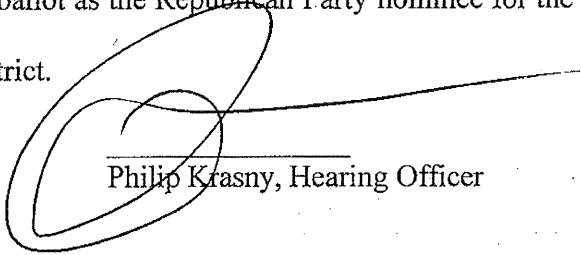
c. The Objector also objected to the admission of the affidavit of Sameera Abid (Exhibit 32, sheet 32 line 6) because Sameera Abid was one of the 56 signers who had previously signed Democratic nominating petitions. Since your Hearing Officer agreed that the signature should be stricken because Sameera Abid had voted in the Democratic primary, the affidavit is moot. Accordingly, it is recommended that the affidavit not be considered in challenging the objections sustained by the Record Examiner.

d. Finally, the Candidate, in his Rule 9 written motion, challenges the competency of the Record Examiner who performed the record exam. To the extent that the Candidate takes issue with the rulings of the Record Examiner, the Candidate can submit affidavits or other competent evidence to the hearing officer to support any claimed errors. In the absence of competent evidence any complaints by the Candidate regarding the competency of the Record Examiner should be dismissed out of hand.

SUMMARY OF RECOMMENDATIONS

1. That the Candidate's Motion to Strike be denied;
2. That the 56 signers appearing on the Candidate's nominating petitions who voted in the Democratic primary were not "qualified primary electors" of the Republican Party and their signatures should be stricken.
3. That the failure of the circulator's affidavit to include the dates when the petitions were circulated results in the invalidity of the 12 signatures on pages 82 and 86 and should be stricken.
4. That the Objector's use of uncertified records to challenge the residency of 12 voters appearing on the Candidate's nominating petitions should be denied.
5. That the Objector's objection to the signature of Dante De Guzman (Exhibit 1 Sheet 5, line 4) should be sustained and the signature should be stricken.
6. That the Objector's objections to the 23 affidavits submitted by the Candidate should be overruled.
7. The Objector's objection to the affidavits of Ranatto Esperanza (Exhibit 11, sheet 17, line 6) and Sameera Abid (Exhibit 32, sheet 32 line 6), should be granted.
8. That the Candidate's challenges to the competency of the Record Examiner who performed the record exam should be denied.
9. That the Candidate has 1004 valid signatures and, accordingly, it is recommended that Cary Collins's name be placed on the ballot as the Republican Party nominee for the office of State Senator in the 22nd Legislative District.

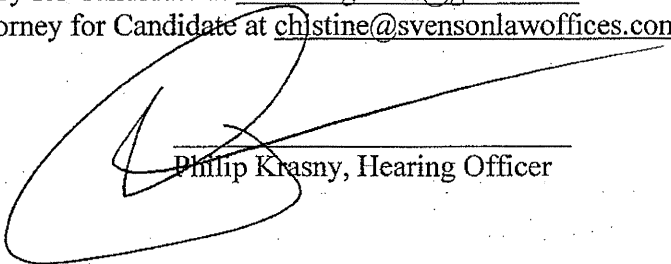
Dated 7/14/12


Philip Krasny, Hearing Officer

CERTIFICATION

The undersigned certifies that on July 16, 2012, the FINDINGS AND RECOMMENDATIONS OF HEARING OFFICER was forwarded via e-mail to:
Steve Sandervoss at ssandvoss@elections.il.gov
General Counsel State Board of Elections

Michael Kasper, attorney for Objector at mjkasper60@mac.com
Vincent Geisler, attorney for Candidate at Vincent.geisler@gmail.com
Christine Svenson, attorney for Candidate at chistine@svensonlawoffices.com



Philip Krasny, Hearing Officer

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE
OFFICE OF STATE SENATOR FOR THE 22nd
LEGISLATIVE DISTRICT OF THE STATE OF ILLINOIS

| | |
|-----------------------|---|
| Frank F. Imhoff, |) |
| |) |
| Petitioner-Objector, |) |
| |) |
| v. |) |
| |) |
| Cary Collins, |) |
| |) |
| Respondent-Candidate. |) |

CHICAGO
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STATE BOARD OF ELECTIONS

OBJECTOR'S PETITION

INTRODUCTION

Frank F. Imhoff, hereinafter sometimes referred to as the Objector, states as follows:

1. The Objector resides at 739 Prospect St., Elgin, Illinois, Zip Code 60120, in the 22nd Legislative District of the State of Illinois, and is a duly qualified, legal and registered voter at that address.
2. The Objector's interest in filing this Petition is that of a voter desirous that the laws governing the filing of nomination papers for the office of State Senator for the 22nd Legislative District of the State of Illinois are properly complied with, and that only qualified candidates appear on the ballot for said office.

OBJECTIONS

3. The Objector makes the following objections to the purported nomination papers ("Nomination Papers") of Cary Collins as a candidate for the office of State Senator for the 22nd Legislative District of the State of Illinois ("Office") to be voted for at the General Election on November 6, 2012 ("Election"). The Objector states that the Nomination Papers are insufficient in fact and law for the following reasons:
4. The name of no candidate of the Republican Party appeared on the ballot for nomination to the Office in the Primary Election. As a result, a vacancy in nomination was created that could be filled within 75 days of the Primary Election pursuant to Sections 8-17 and 7-61 of the Election Code. Any candidate designated to fill the vacancy in nomination is required to submit a nominating petition signed by a number of voters of the Legislative District equal to the number required for a candidate to qualify for the ballot in the Primary Election.

5. Pursuant to State law, nomination papers for the Office to be voted for at the Election must contain the signatures of not fewer than 1000 duly qualified, registered and legal voters of the 22nd Legislative District of the State of Illinois collected in the manner prescribed by law. In addition, nomination papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise executed in the form provided by law. The Nomination Papers purport to contain the signatures of in excess of 1000 such voters, and further purport to have been gathered, presented and executed in the manner provided by the Illinois Election Code.
6. The Nomination Papers contain petition sheets with the names of persons who are not registered voters, or who are not registered voters at the addresses shown opposite their respective names, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading Column a., "Signer Not Registered at Address Shown," in violation of the Illinois Election Code.
7. The Nomination Papers contain petition sheets with the names of persons who did not sign the papers in their own proper persons, and such signatures are not genuine and are forgeries, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein under the heading, Column b., "Signer's Signature Not Genuine," in violation of the Illinois Election Code.
8. The Nomination Papers contain petition sheets with the names of persons for whom the addresses stated are not in the 22nd Legislative District of the State of Illinois, and such persons are not registered voters in the 22nd Legislative District, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column c., "Signer Resides Outside District," in violation of the Illinois Election Code.
9. The Nomination Papers contain petition sheets with the names of persons for whom the addresses given are either missing entirely or are incomplete, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column d., "Signer's Address Missing or Incomplete," in violation of the Illinois Election Code.
10. The Nomination Papers contain petition sheets with the names of persons who have signed the Nomination Papers more than one time as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column e., "Signer Signed Petition More Than Once at Sheet Indicated," in violation of the Illinois Election Code.
11. The Nomination Papers contain petitions sheets with the names of persons who are not eligible to sign the Candidate's petitions because they are not qualified primary voters or electors of the Republican Party because those signers voted in the Democratic Party's primary election on March 20, 2012, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column f, "other" and/or "Voted in Dem in March Primary," or "Voted in Dem Primary", or "D Primary Voter" or similar designation in violation of the Illinois Election Code.

12. The Nomination Papers contain two petition sheets, those numbered 10 and 62, which bear a circulator's affidavit which is not properly sworn to before a Notary Public or other appropriate officer because they do not bear a proper notarial jurat or were otherwise properly notarized.

13. The Nomination Papers contain a petition sheets, the one numbered 45, which bears a circulator's affidavit which is not properly sworn to before a Notary Public or other appropriate officer because the date of notarization is not given, but instead the range of dates for circulation of the petition is set forth in the notarial jurat..

14. The Nomination Papers contain less than 1000 validly collected signatures of qualified and duly registered legal voters of the 22nd Legislative District, signed by such voters in their own proper person with proper addresses, below the number required under Illinois law, as is set forth by the objections recorded in the Appendix-Recapitulation attached hereto and incorporated herein.

15. The Appendix-Recapitulation is incorporated herein, and the objections made therein are a part of this Objector's Petition.

WHEREFORE, the Objector requests: a) a hearing on the objections set forth herein; b) an examination by the aforesaid Electoral Board of the official records relating to voters in the 22nd Legislative District, to the extent that such examination is pertinent to any of the matters alleged herein; c) a ruling that the Nomination Papers are insufficient in law and fact, and d) a ruling that the name of Cary Collins shall not appear and not be printed on the ballot for nomination to the office of State Senator of the 22nd Legislative District of the State of Illinois, to be voted for at the General Election to be held November 6, 2012.

Frank F. Imhoff
OBJECTOR

Address:
Frank F. Imhoff
739 Prospect St.
Elgin, IL 60120

VERIFICATION

STATE OF ILLINOIS

COUNTY OF Cook

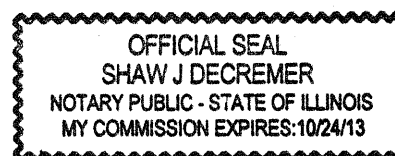
)
) SS.
)

I, Frank F. Imhoff, being first duly sworn upon oath, depose and state that I have read the above and foregoing OBJECTOR'S PETITION, and that the matters and facts contained therein are true and correct to the best of my knowledge and belief.

Frank F. Imhoff

Subscribed and sworn to before me
by Frank F. Imhoff
this 11 day of June, 2012.

Shaw J. Decrem
Notary Public



BEFORE THE STATE BOARD OF ELECTIONS AS THE DULY CONSTITUTED
ELECTORAL BOARD TO HEAR AND PASS UPON OBJECTIONS
TO CERTIFICATES OF NOMINATION AND NOMINATION PAPERS

| | | |
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| Frank F. Imhoff |) | |
| |) | |
| Petitioner-Objector, |) | |
| |) | |
| v. |) | 12 SOEBGE 502 |
| |) | |
| Cary Collins, |) | |
| |) | |
| Respondent-Candidate. |) | |

MOTION TO STRIKE AND DISMISS OBJECTOR'S PETITION

NOW COMES, the candidate, Cary Collins, by and through his attorneys, Vincent J. Geisler, Collins & Radja, P.C., pursuant to 735 ILCS 5/2-615 and 735 ILCS 5/2-619 and moves this Board for entry of an order to Strike and Dismiss the Objector's Petition, in whole or in part, and in support thereof, this Motion states as follows.

ARGUMENT

I. Objector's Petition Fails to State the Nature of the Objections with Specificity

Under Illinois law, "the objector's petition...shall state fully the nature of the objections." 10 ILCS 5/10-8. Specific grounds alleging legal deficiencies in the petitions must be pled with precision, or the objections are vulnerable to a successful motion to strike. In *Marcus v. Nimrod*, 80-COEB-33 (1982), the Cook County Electoral Board was upheld by the Circuit Court of Cook County when it dismissed allegations for "not adequately and sufficiently apprising the candidate and the electoral board of the specifications of such objections making it impossible...to consider and evaluate such objections", aff'd, No 80 CO" 0315 (Cook Cty.Cir. 1982). Further, that Board has ruled that pleadings generally afford adequate notice or specificity or present

some credible evidence to sustain a minimal burden of proof. See e.g. *Brueder v. Schmidt*, No. 89-COEB-TC-03 (1990); *Vojik v. Marinaro*, No. 89-COEB-TC-07 (1990).

In this case, the Objector's Petition selects various and numerous individual defects in the Candidate's petition sheets as to make his Objection overly broad and thus fail to apprise the reader of the Objection with specificity as to where, if present, any defect may lie.

II. Objector's Petition Seeks to Confuse and is Replete with Inconsistent and Conflicting Objections

The Objector's petition contains scores of objections that are conflicting in nature and thus, should be invalidated on their face. Specifically, Objector makes unsupported claims that signatures are invalid for the reason that: "Signer not registered at address shown", and yet, with respect to the very same voter, Objector makes a second and in some instances a third unsupported allegation that "Signer's Signature not genuine" and/or "Signer resides outside district" and/or "Signer's address missing or incomplete".

The Objector often made determinations that both a signature was not genuine and that the individual signing was not registered at the address listed. If the Objector claims that the signature is a forgery, the issue of registration is irrelevant.

Objector also makes separate determinations with respect to many individual signers that the signature was not genuine, the person was not registered at the address shown, that the address was also missing or incomplete and even at times states that the signer resides outside the district. Objector is purposefully attempting to confuse. Objector repeatedly marks more than one objection in a manner that is unnecessary; one objection to each signature makes a second objection irrelevant and only proceeds to confound the issues.

Furthermore, the Objector, in several instances, makes a determination that the signature is either not genuine and/or that the signer is not registered at the address listed and then goes on to determine that the signer's address is missing or incomplete. If a signer's address is lacking in completeness or missing entirely as to make identification of the particular signer impossible, then a determination of signature genuineness or non-registration would also be impossible.

In sum, this Objection fails to identify with any specificity or detail the “incompleteness” or missing nature of address information nor the “deficiency” in the circulator signature. The Election Code requires specificity in objections. Moreover, it is the rare situation whereby multiple objections to a single signature may be justified. In this case the magnitude of Objector's “shotgun” approach must be rejected by this Election Board. Objections that do not clearly state the nature of the objection and force Candidate to defend the Nominating Petitions on numerous and inconsistent grounds are not valid Objections and must be stricken.

III. A Minor Technical Defect in the Notarization Process or in the Jurat Does Not Invalidate Sheets Numbered 10, 62 and 45.

Objector's petition, paragraph 12, alleges that the missing notary seal on the Petition sheets numbered 10 and 62 should cause those petition sheets to be invalidated. Both sheets in question bear the signature of the Notary Public. The Notary Public who signed Petition sheets 10 and 62 is the same Notary Public who properly notarized the majority of the Petition sheets for the Candidate. The only defective part of the notarization on the pages in question is the unintentional omission of the notary stamp. The defect is technical in nature and minor in scope.

Removal of valid petition signatures for purely technical defects in the notarization process is highly frowned upon by both Illinois courts and electoral boards. There is a well established line of case law with holdings to the effect that harmless omissions, inadvertent acts

and grammatical or clerical errors in authentications will not defeat an otherwise valid instrument. *See, e.g., Mason v. Brock*, 12 Ill. 272 (1850); *Stout v. Slattery*, 12 Ill. 162 (1850); *Tully v. Davis*, 30 Ill. 103 (1863); *Skinner v. Fulton*, 39 Ill. 484 (1866); *Calumet & Chicago Canal & Dock Co. v. Russell*, 68 Ill. 426 (1873); *Merritt v. Yates*, 71 Ill. 636 (1874); *Cairo & St. Louis R.R. v. Parrott*, 92 Ill. 194 (1879); *Schaefer v. Kienzel*, 123 Ill. 430, 15 N.E. 164, 165 – 166 (1888). *See Levine v. Simms-Johnson*, No. 96-EB-WC-31 (Chicago Electoral Board 1996); *White v. Kunik*, 92 CO 082 (Cook Cty.Cir. 1992).

Similarly, Objector's paragraph 13 alleges that Candidate's Petition sheet numbered 45 is not properly sworn because a range of dates was inadvertently placed in the space reserved for the date of notarization. As the aforementioned case law states, this error is harmless in nature and a clerical error in kind; it does not defeat the valid petition sheet numbered 45.

IV. Objector's Invalidation of a Petition Signature on the Basis that the Circulator Signed His Own Circulated Petition is an Unfounded Legal Argument

On Candidate's Petition sheet numbered 57, the Objector has indicated that the signature on line 2 is invalid because "other - signed own sheet". This objection is invalid on its face; there is no legal basis for this objection. The circulator in question did sign his own Petition sheet, he was registered to vote at the address indicated on the Petition and all relevant fields on the Petition sheet were properly filled in; the signature is valid and the objection should be stricken.

V. Objector's Petition is Replete with Bad Faith Objections

Objector's Petition states that 343 signatures on Candidates Petition Sheets are "not genuine". Furthermore, on many sheets, namely those marked at 15, 16, 20- 27, 37, 42, 43, 46, 48- 53, 65, 67, 70, 71, 73, 77, 81, 84-87, 96-99, 101, 102, 105, and 107, the Objector has objected to nearly every signature on the Petitions. In the present case, the Candidate's petitions

were circulated based on "walking-sheets" that were populated using current voter registration information. Furthermore, the sheets were presented in a door-to-door fashion by personally known friends and acquaintances of the Candidate. Among those volunteers, several are Illinois Licensed Attorneys, many are Republican Precinct Committeemen and many others include highly respected members of the state of Illinois. The Objector has marked "not genuine" several of the signatures collected by a suburban Mayor and many of the signatures collected by an elected suburban Township Committeeman. The Objector has made several objections as to the authenticity of the signatures on almost every petition sheet. Each and every individual swore to the authenticity of their respective circulated petition by way of signed affirmation before a notary public. The objections as to genuineness should be stricken.

VI. Illinois Law Strongly Supports Ballot Access

This case involves the challenge to a candidacy for the general assembly. The Election Code provides that the candidate's nomination papers are deemed valid until proven otherwise. *10 ILCS 5/10-8* The burden is on an objector in these matters, and for good public policy reason.

The Supreme Court has said, in connection with restrictions on access to the ballot generally:

Restrictions on access to the ballot burden two distinct and fundamental rights, "the right of individuals to associate for the advancement of political beliefs, and the right of qualified voters, regardless of their political persuasion, to cast ballots effectively." . . .

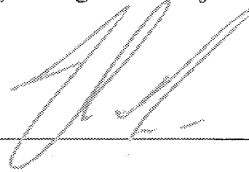
Access restrictions also implicate the right to vote because absent recourse to referendums, "voters can assert their preferences only through candidates or parties or both." . . . By limiting the choices available to voters, the State impairs the voters' ability to express their political preferences. And for reasons too self-evident to warrant amplification here, we have often reiterated that voting is of the most fundamental

significance under our constitutional structure. [Citations omitted.] *Illinois State Board of Elections v. Socialist Workers Party*, 440 U.S. 173, 59 L.Ed.2d 230, 99 S.Ct. 983, 990 (1979).

Illinois courts have also observed in a variety of contexts that there is a dual import to ballot access. In *McGuire v. Nogaj*, 146 Ill.App.3d 280, 496 N.E.2d 1037, 1041, 99 Ill.Dec. 945 (1st Dist. 1986), the court observed: “The right of a party or an individual to a place on a ballot is entitled to protection and is intertwined with the rights of the voters.” (Quoting *Lubin v. Panish*, 415 U.S. 709, 39 L.Ed.2d 702, 94 S.Ct. 1315, 1320 (1974).) The McGuire court further noted that this state has a policy in “favor of a candidate’s eligibility” (496 N.E.2d at 1039), and the Illinois Supreme Court has observed that the right of access to the ballot is a substantial one that may not lightly be denied. *Welch v. Johnson*, 147 Ill.2d 40, 588 N.E.2d 1119, 167 Ill.Dec. 989 (1992).

This Objection, at its core, seeks to deprive voters of choice in this November’s election because to strike the Candidate from the ballot would mean that the Candidate who benefits from the filing of this Objection would run unopposed. In a county long-controlled by a single political party, the Electoral Board should favor ballot access and voter choice to an even higher degree. The combination of heightened scrutiny to Objector’s Petition when Objector essentially alleges fraud, and the substantial and fundamental right to ballot access provides this Court with that basis to demand more than conclusory allegations from the Objector. The fundamental right of voters in our democracy to have choices of candidates for seats in the General Assembly elevates ballot access so strongly that the burden of the Objector who seeks to thwart ballot access and voter choice should be very high. It is with these principles that the law must be analyzed and this case considered.

WHEREFORE, Respondent-Candidate, Cary Collins prays that this Electoral Board dismiss the Objector's Petition in its entirety. The Candidate further requests that the Objector establish by a tally of the objections that there would remain enough allegations to justify proceeding or considering the results of a Records Examination.



Vincent J. Geisler
Attorney for Candidate

Vincent J. Geisler
COLLINS AND RADJA, PC.
2200 W. Higgins Rd, Suite 155
Hoffman Estates, IL 60169
(847) 519-0010
Vincent.Geisler@gmail.com
ARDC #: 6305997

BEFORE THE STATE BOARD OF ELECTIONS AS THE DULY CONSTITUTED
ELECTORAL BOARD TO HEAR AND PASS UPON OBJECTIONS
TO CERTIFICATES OF NOMINATION AND NOMINATION PAPERS

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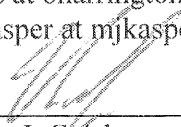
CERTIFICATE OF SERVICE

To: State Board of Elections, State of Illinois (via email)
2329 S. MacArthur Blvd.
Springfield, IL 62704
and
100 West Randolph, Suite 14-100
Chicago, IL 60601
bharrington@elections.il.gov

Philip Krasny - Hearing Officer (via email)
100 West Randolph, Suite 14-100
Chicago, IL 60601
philipkrasny@yahoo.com

Mike Kasper (via email)
mjkasper60@mac.com

The undersigned certifies that the attached Motion to Strike and Dismiss Objector's Petition was emailed to the Illinois State Board of Elections at bharrington@elections.il.gov, to Philip Krasny at philipkrasny@yahoo.com, and to Mike Kasper at mjkasper60@mac.com on the 21st day of June, 2012, before 5:00 pm.



Vincent J. Geisler
Attorney for Candidate

Vincent J. Geisler
COLLINS AND RADJA, PC.
2200 W. Higgins Rd, Suite 155
Hoffman Estates, IL 60169
(847) 519-0010
Vincent.Geisler@gmail.com

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD

| | | |
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| Frank F. Imhoff, |) | |
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| Petitioner-Objector, |) | |
| |) | |
| v. |) | No. 12 SOEBGE 502 |
| |) | |
| Cary Collins, |) | |
| |) | |
| Respondent-Candidate. |) | |

RESPONSE TO MOTION TO STRIKE AND DISMISS

NOW COMES Objector, by and through his attorney, Michael J. Kasper, and in response to the Motion to Strike and Dismiss states as follows:

I. Argument

A. The Objector's Petition Fully Satisfies the Pleading Requirement Of Section 10-8 of the Election Code.

The gist of the Candidate's Motion to Dismiss is that the Objector failed to "state fully the nature of the objections" to the Candidate's nominating papers and the Objector's Petitions should, as a result, be dismissed. This Motion is without merit and should be denied because the allegations contained in the Objector's Petition are plead with such specificity that it is difficult to imagine a more specific complaint.

This Objector's Petition states its objections in precisely the same way as literally hundreds of objector's petitions considered by this Board every year. The Objector's Petition alleges that the Candidate's nominating papers are invalid because the nominating petitions do not contain a sufficient number of signatures for the Candidate to qualify for the ballot. While the bases for these challenges are set forth in general terms in the text of the Petition, the specific challenge or challenges to each individual signature are set forth in the standard Appendix-Recapitulation sheets that this Board (and every

other electoral board in Illinois) has recognized as valid for decades. For example, if a particular signature is challenged on the basis that the signer is not a registered voter, it is specifically enumerated. If an address is alleged to be out of the district, the Objection identifies the challenged address by the sheet and line number where it appears in the Candidate's petitions.

The Candidate correctly points out that the purpose of pleading the objections with specificity is to allow the Candidate to prepare an adequate defense. In this case, what more information does the Candidate need to do so? The Candidate knows every signature that is challenged, and every basis for that challenge. If a signature is challenged as not being the genuine signature of the voter, the Candidate know which voter's signature is being challenged. If an address is challenged as being out of the district, the Candidate knows which address to check. The Candidate knows everything necessary to prepare a defense to the objections.

This is not a case where the Objector's Petition did not contain an Appendix-Recapitulation. This Board has consistently held that where an objector's petition that makes general allegations with regard to candidate's nomination papers without specifically identifying which of the petition sheets or signatures contain the alleged defects or irregularities and where no appendix-recapitulation was filed with objector's petition identifying the specific petition sheets and alleged defects therein, the objector's petition fails to fully state the nature of the objections and is invalid. *Delay v. Simms-Johnson*, 00-EB-WC-12, CBEC, January 28, 2000; *Coleman v. Ross*, 00-EB-WC-023, CBEC, January 20, 2000; *Ligas v. Martinez*, 95-EB-ALD-134, CBEC, January 17, 1995; *Whitehead v. Hodges*, 91-EB-ALD-047, January 16, 1991. Here, unlike these

cases, a detailed Appendix-Recapitulation was included with the Objector's Petition, that fully apprised the Candidate of the nature of the objections.

This Objector's Petition treads no new ground, but instead sets forth the same allegations, in exactly the same manner, as every other signature objection to come before this Board. The Candidate's contention that the allegations are insufficiently plead is incorrect and should be denied.

B. The Allegations Are Sufficiently Plead Under Any Standard.

The Candidate claims that the "Objector's Petition should be seen in its entirety as an allegation of fraud" and should, therefore, be subject to a heightened pleading standard. For the reasons set forth above, however, even if the Candidate is correct in this regard, the Objector's Petition is nonetheless valid. The Candidate has been apprised of every objection to every signature with great specificity.

Moreover, the Candidate is incorrect that the entire Objector's Petition is an allegation of fraud. Indeed, the word "fraud" appears nowhere in the Objector's Petition. For example, there is nothing fraudulent in an allegation that a signature is invalid because the signer's address is not located in the appropriate district, or that a person is not registered to vote at the address he or she listed on the petition. These allegations simply point out specific facts that render certain petition signers ineligible to sign the Candidate's petitions.

C. The Objector's Petition is Neither Inconsistent Nor Conflicting.

The Candidate's contends that dual allegations against a single signature are "inconsistent and conflicting." This contention is both wrong as factual matter and is

against this Board's well established precedent. As a result, the Motion to Dismiss should be denied.

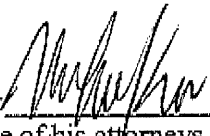
There are several instances where more than one allegation can be made against a single signature without creating the slightest conflict or inconsistency. Take a signer whose address is not located in the appropriate district and who is also not registered at that address. A thorough objector would object to the signature on both grounds. Likewise a signer who omits his address from the petition; is not an objection that the address is missing or incomplete appropriate as well as an objection that the signer is not registered at the address shown (if no address is shown, how can a person be registered there?)? The same is true for an allegation that the person is not registered at the address and that the person's signature is not genuine. A thorough objector could find a petition signer to be registered at a different address than that reflected on the petition, but find that the signatures do not compare sufficiently and challenge the signature as "not genuine."

This Board has specifically considered, and rejected the Candidate's argument. The Board has determined that there is no per se rule prohibiting dual objections, i.e., objections alleging both that the petition signer was not registered at address shown and that the signer's signature is not genuine. Such objections are not necessarily inconsistent nor are they necessarily evidence of a bad faith or shot gun objection. *Stearns v. Latiker*, 08-EB-RGA-12, CBEC, December 14, 2007.

II. Conclusion.

WHEREFORE, for the foregoing reasons, Objector respectfully prays that the Motion to Dismiss be denied.

Respectfully submitted,
Objector

By: 
One of his attorneys

Michael J. Kasper
222 North LaSalle Street
Suite 300
Chicago, Illinois 60601
312.704.3292
312.368.4944

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD

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| Frank F. Imhoff, |) | |
| |) | |
| Petitioner-Objector, |) | |
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| Respondent-Candidate. |) | |

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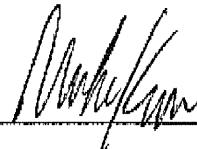
TO: Vincent J. Geisler State Board of Elections
Vincent.Geisler@gmail.com 217.782.5959

Philip Krasny
philipkrasny@yahoo.com

Please take notice that on Wednesday, June 22, 2012, I filed with the Illinois State Board of Elections the attached Response to Motion to Dismiss, a copy of which is hereby served upon you.

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that copies of the attached Motion to Dismiss were served upon the parties referenced above by facsimile or email on Friday, June 22, 2012.



Michael J. Kasper
222 N. LaSalle, Suite 300
Chicago, IL 60601
312.704.3292
312.368.4944 (facsimile)
Attorney No. 33837

BEFORE THE STATE BOARD OF ELECTIONS AS THE DULY CONSTITUTED
ELECTORAL BOARD TO HEAR AND PASS UPON OBJECTIONS
TO CERTIFICATES OF NOMINATION AND NOMINATION PAPERS

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**CANDIDATE'S BRIEF IN RESPONSE TO MISSING DATE RANGES IN THE
CIRCULATOR'S AFFIDAVIT**

NOW COMES the Candidate, Cary Collins, by and through his attorneys, Vincent J. Geisler, Collins & Radja, P.C., and Christine Svenson, Svenson Law Offices, and furtherance of Candidate's argument on the issue of missing date ranges on the circulator's affidavit, the Candidate states as follows.

ARGUMENT

- I. THE ILLINOIS ELECTION CODE AND ILLINOIS CASE LAW INDICATE THAT THE PURPOSE OF THE DATE RANGE IN THE CIRCULATOR'S AFFIDAVIT IS TO PREVENT EARLY CIRCULATION

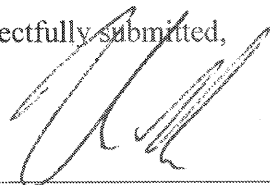
Objector asserts that Candidate's petition sheets numbered 82 and 86 are missing a date range of circulation in the circulator's affidavit and that the omission renders those sheets invalid. Section 7-10 of the Illinois Election Code (*10 ILCS 5/7-10*) provides that "the circulator statement...should certify that the signatures are genuine; by either (1) indicating the dates on which that sheet was circulated, or (2) indicating the first and last dates on which the sheet was circulated, or (3) certifying that none of the signatures on the sheet were signed more than 90 days preceding the last day for the filing of the petition..." The code also states that "No petition

sheet shall be circulated more than 90 days preceding the last day provided in Section 7-12 for the filing of such petition." *Id.* The purpose of that particular code section is to protect the integrity of the petition period, so that no such petitions could have been circulated before the start of the statutory time-frame. In *Simmons v. DuBose*, 142 Ill.App.3d 1077, 492 N.E.2d 586 (Ill.App. 1 Dist.,1986), the appellate court addressed the very same issue as the one in this case. Although the court noted that section 7-10 and its provisions relating to the circulator's affidavit are mandatory, the court also asserted that the purpose of the statute was to ensure that the nominating petitions would have been circulated within 90 days prior to the deadline for filing petitions and that the circulator would verify compliance by indicating a circulation date. The court did suggest that an omission of dates could provide a basis for invalidating a petition sheet. However, the invalidation should only apply to petition sheets that could have been circulated more than 90 days prior to the filing deadline.

In this case the Candidate was nominated to fill a vacancy for the Republican party on April 16, 2012. The Candidate's signed petitions were filed less than 60 days after the nomination date. The possibility that the petitions were circulated 90 days prior to the filing deadline does not exist.

WHEREFORE, Candidate, Cary Collins prays that this Electoral Board overrule the objection on sheets 82 and 86 with respect to the missing date range in the circulator's affidavit.

Respectfully submitted,



Vincent J. Geisler
Attorney for Candidate

Vincent J. Geisler
COLLINS AND RADJA, PC.
2200 W. Higgins Rd, Suite 155
Hoffman Estates, IL 60169
(847) 519-0010
Vincent.Geisler@gmail.com
ARDC #: 6305997

BEFORE THE STATE BOARD OF ELECTIONS AS THE DULY CONSTITUTED
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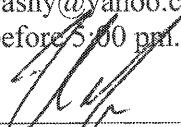
CERTIFICATE OF SERVICE

To: State Board of Elections, State of Illinois (via email)
2329 S. MacArthur Blvd.
Springfield, IL 62704
and
100 West Randolph, Suite 14-100
Chicago, IL 60601
bharrington@elections.il.gov

Philip Krasny - Hearing Officer (via email)
100 West Randolph, Suite 14-100
Chicago, IL 60601
philipkrasny@yahoo.com

Mike Kasper (via email)
mjkasper60@mac.com

The undersigned certifies that the attached Candidate's Brief in Response to Missing Date Ranges in the Circulator's Affidavit was emailed to the Illinois State Board of Elections at bharrington@elections.il.gov, to Philip Krasny at philipkrasny@yahoo.com, and to Mike Kasper at mjkasper60@mac.com on the 13th day of July, 2012, before 5:00 pm.



Vincent J. Geisler
Attorney for Candidate

Vincent J. Geisler
COLLINS AND RADJA, PC.
2200 W. Higgins Rd, Suite 155
Hoffman Estates, IL 60169
(847) 519-0010
Vincent.Geisler@gmail.com

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD

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OBJECTOR’S MEMORANDUM REGARDING PRIMARY VOTERS

Objector, by and through his attorney Michael J. Kasper, states as follows

I. THE PETITIONS SIGNERS WHO VOTED IN THE DEMOCRATIC PRIMARY ELECTION ARE NOT QUALIFIED PRIMARY ELECTORS OF THE REPUBLICAN PARTY FOR THE 2012 ELECTION CYCLE.

Candidate’s arguments that people who voted in the Democratic Primary are “qualified primary voters” of the Republican Party are meritless and in direct contradiction with *Hossfeld v. Illinois State Bd. of Elections*, 238 Ill.2d 418 (2010), *Cullerton v. Du Page County Officers Electoral Bd.*, 384 Ill.App.3d 989 (2nd Dist. 2008), and *Rosenzweig v. Illinois State Bd. of Elections*, 409 Ill.App.3d 176 (1st Dist. 2011). Theses petition signers are not “qualified primary electors of the Republican Party” for the 2012 general election cycle because they previously declared their affiliation to the Democratic Party for the 2012 election cycle and were thereby ineligible, pursuant to Section 7-44 of the Illinois Election Code, to vote in the 2012 Republican primary election preceding the Candidate’s filing of his Statement of Candidacy.

Pursuant to Section 8-8 of the Illinois Election Code, the Candidate was required to secure 1,000 signatures from “qualified primary electors of the candidate’s party,” *i.e.* the Republican

Party. 10 ILCS 5/8-8. Accordingly, the question is simply whether certain signers of Candidate's petitions were "qualified primary electors of the Republican Party," not whether such signers were merely "qualified primary electors." See Cullerton, 384 Ill.App.3d at 995.

The plain meaning of "qualified primary electors of the candidate's party" mandates that the elector have been eligible to vote in the primary for that party in the applicable election cycle for which the candidate filed his statement of candidacy. See Hossfeld, 238 Ill.2d at 428-29 (2010); and Cullerton, 384 Ill.App.3d at 996. Under Section 7-44 of the Illinois Election Code, "no person declaring his affiliation with a statewide established political party may vote in the primary of any other statewide political party on the same election day." 10 ILCS 5/7-44.

In *Cullerton*, the issue was whether Cullerton, a candidate for State Senate of the 23rd State Legislative District, was a "qualified primary voter of the Democratic Party" in the 2008 election cycle. 384 Ill.App.3d at 990-91. Cullerton had voted a Republican ballot in the February 2008 general primary election; and, following that primary, the Democratic Party nominated him as its candidate for the November 2008 general election. *Id.* The appellate court held that "the plain and ordinary meaning of the requirement that a candidate be a qualified primary voter of the party for which he seeks a nomination mandates, if nothing else, that the candidate have been eligible to vote in the primary for that party in the most recent primary election preceding the candidates' filing the statement of candidacy." *Id.* at 996.

Applying the foregoing principle, the appellate court found that when petitioner chose to vote in the Republican and not the Democratic primary in 2008, he declared his affiliation to the Republican Party for the 2008 election cycle. *Id.* In effect, Section 7-44 of the Illinois Election

Code prohibited him from voting in the Democratic primary that same year. Accordingly, “at all times since the 2008 primary ***, including the time at which petitioner submitted his statement of candidacy ***, he was not a qualified primary voter of the Democratic Party. *Id.* Cullerton was not eligible to be placed on the November 2008 general election ballot as the Democratic candidate for State Senator of the 23rd Legislative District. *Id.* at 997.

In *Hossfeld*, the Illinois Supreme Court specifically limited *Cullerton* to those instances where an individual attempts to switch parties during one election cycle. *Hossfeld*, 238 Ill.2d at 428-29. In this case, Rauschenburger voted a Democratic ballot in the April 2009 consolidated primary election in Elgin Township. *Id.* at 421. Six months later, in October 2009, Rauschenburger filed his nomination papers seeking the Republican nomination for the office of State Senator of the 22nd Legislative District for the February 2, 2010 general primary election. *Id.* Rauschenburger’s nomination papers included a sworn “statement of candidacy” which stated Rauschenburger was a “qualified primary voter of the Republican Party.” *Id.* Relying on *Cullerton*, *Hossfeld* maintained because Rauschenburger had voted Democratic at the most recent primary election preceding the filing of his nomination papers, his status “locked” as a Democratic primary voter until he voted in the February 2010 general primary election. *Id.* at 422.

The Illinois Supreme Court distinguished *Cullerton* from the facts at issue, stating:

“the situation addressed in *Cullerton* is not the situation we address here. In *Cullerton*, the candidate attempted to switch parties within one election cycle ***. In contrast, the election cycle or season during which Rauschenburger voted a Democratic ballot *** was completed with the general township election in April 2009, prior to Rauschenburger aligning himself with the Republican Party in his October 2009 nomination papers for purposes of the 2010 general primary. Rauschenburger has not attempted to switch parties during this new election cycle which will be completed with the

November 2010 general election. Thus, Hossfeld's reliance on *Cullerton* is misplaced."

Id. at 429 (emphasis added). Declarations of party affiliation from the 2009 general township election cycle were not relevant to party affiliation for purposes of the 2010 general election cycle. The only declarations of party affiliation that were relevant for the 2010 general election cycle were those declarations made during the course of said election cycle. The only declaration of affiliation made by Rauschenburger during the 2010 general election cycle was the declaration of affiliation made in his October 2009 nominations papers for purposes of the 2010 general primary.

Building from the precedent of *Hossfeld* and *Cullerton*, the court in *Rosenzweig* determined that Hebda, a candidate for State Representative of the 59th Representative District, was not a "qualified primary elector of the Republican Party." *Rosenzweig*, 409 Ill.App.3d at 177. Specifically, Hebda signed nominating petitions for a Democrat running for the same office in the same 2010 election cycle. *Id.* The Democratic petition, which Hebda signed, stated that the undersigned was a member of and affiliated with the Democratic Party and was a qualified primary elector of the Democratic party. *Id.*

In reaching its conclusion, the appellate court noted that Hebda violated Section 8-8 because she first signed a nominating petition for a Democratic candidate, and subsequently signed her own nominating petition to run as a Republican candidate. *Id.* at 180. Further, her candidacy was also found to be in violation of Section 8-8 because she signed a nominating petition for the Democratic Party and then attempted to run as a candidate for the Republican Party in the same election cycle. *Id.* at 181.

Similar to *Cullerton* and *Rosenzweig* but distinguishable from *Hossfeld*, the signers of Candidate's petitions who voted in the Democratic primary on March 20, 2012, are not qualified primary electors of the Republican Party for the 2012 general election cycle because they declared their affiliation to the Democratic Party for the 2012 election cycle and were thereby ineligible to vote in the March 20, 2012 Republican primary through operation of Section 7-44.

Each of the signers identified in Objector's Exhibits 1 and 2 declared their affiliation to the Democratic Party for the 2012 election cycle when they chose to vote in the March 20, 2012 Democratic primary election. Directly on point with *Cullerton*, Section 7-44 prohibited these signers from voting in the Republican primary election on March 20, 2012 and were, in effect, locked in as "qualified primary electors of the Democratic party" for the 2012 general election cycle. Since these petition signers were ineligible to vote in the March 20, 2012 Republican primary election, they also inherently cannot be "qualified primary electors of the Republican Party" for the 2012 election cycle as required under Section 8-8 and are therefore also invalid.

To the extent Candidate argues there is no longer any prohibition against the actions taken by the petition signers, the combination of the "qualified primary elector of the candidate's party" requirement under Section 8-8 combined with the pertinent part of Section 7-44, all as illustrated above, inarguably establishes that such statutory prohibitions exist. *See Hossfeld*, 238 Ill.2d 418 (2010), *Cullerton*, 384 Ill.App.3d 989 (2nd Dist. 2008), and *Rosenzweig*, 409 Ill.App.3d 176 (1st Dist. 2011). Further, to the extent the Candidate argues such restrictions are unconstitutional, the Electoral Board is without authority to entertain constitutional challenges to procedures employed in obtaining signatures in nominating petitions. *Troutman v. Keys*, 156 Ill.App.3d 247 (1st Dist. 1987). However, even if such arguments could be entertained, the cases cited above have

determined that the restrictions on party switching discussed above are consistent with *Kusper v. Pontikes*.

Wherefore, for all the foregoing reasons, Objector respectfully requests a ruling that the signatures of those petition signers who had previously voted in the Democratic Primary be ruled invalid and that the relief requested in the Objector's Petition be granted.

Respectfully submitted,
Objector

By: _____
One of his attorneys

Michael J. Kasper
222 North LaSalle Street
Suite 300
Chicago, Illinois 60601
312.704.3292
312.368.4944

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD

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| Petitioner-Objector, |) | |
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| |) | |
| Collins, |) | |
| |) | |
| Respondent-Candidate. |) | |

NOTICE OF FILING

| | | |
|---------------------|-------------------------------|----------------------------|
| TO: Vincent Geisler | Philip Krasny | Steve Sandvoss |
| Vincent.geisler@ | <u>philipkrasny@yahoo.com</u> | SSandvoss@elections.il.gov |
| gmail.com | | |

Christine Svenson
Christine@svensonlawoffices.com

Please take notice that on Saturday, July 7, 2012, I filed with the Electoral Board the attached Memorandum, a copy of which is hereby served upon you.

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that copies of the attached Memorandum to Strike were served upon the parties referenced above by facsimile or email on Saturday, July 7, 2012.

Michael J. Kasper
222 N. LaSalle, Suite 300
Chicago, IL 60601
312.704.3292
312.368.4944 (facsimile)
Attorney No. 33837

BEFORE THE STATE BOARD OF ELECTIONS AS THE DULY CONSTITUTED
ELECTORAL BOARD TO HEAR AND PASS UPON OBJECTIONS
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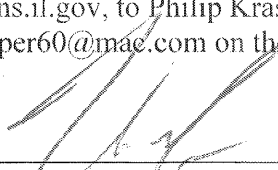
CERTIFICATE OF SERVICE

To: State Board of Elections, State of Illinois (via email)
2329 S. MacArthur Blvd.
Springfield, IL 62704
and
100 West Randolph, Suite 14-100
Chicago, IL 60601
bharrington@elections.il.gov

Philip Krasny - Hearing Officer (via email)
100 West Randolph, Suite 14-100
Chicago, IL 60601
philipkrasny@yahoo.com

Mike Kasper (via email)
mjkasper60@mac.com

The undersigned certifies that the attached Candidate's Response Brief was emailed to the Illinois State Board of Elections at bharrington@elections.il.gov, to Philip Krasny at philipkrasny@yahoo.com, and to Mike Kasper at mjkasper60@mac.com on the 6th day of July, 2012, before 5:00 pm.



Vincent J. Geisler
Attorney for Candidate

Vincent J. Geisler
COLLINS AND RADJA, PC.
2200 W. Higgins Rd, Suite 155
Hoffman Estates, IL 60169
(847) 519-0010
Vincent.Geisler@gmail.com

BEFORE THE STATE BOARD OF ELECTIONS AS THE DULY CONSTITUTED
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| Respondent-Candidate. |) | |

CANDIDATE'S RESPONSE BRIEF

NOW COMES the Candidate, Cary Collins, by and through his attorneys, Vincent J. Geisler, Collins & Radja, P.C., and Christine Svenson, Svenson Law Offices, and in response to Objector's argument on the issue of primary voter eligibility, the Candidate states as follows.

ARGUMENT

I. THERE IS NO PROHIBITION FOUND IN EITHER THE ILLINOIS ELECTION CODE OR ILLINOIS CASE LAW PROHIBITING A PRIMARY VOTER FROM SUBSEQUENTLY SIGNING A CANDIDATE'S NOMINATING PETITION

Nowhere in the Illinois Election code exists an express prohibition on primary voting and subsequent petition signing. Likewise, the Illinois courts have yet to render an opinion with respect to this narrow issue. It would not be unfathomable for a qualified primary voter to vote in the primary for the candidate that loses, and then, to want to sign the nominating petition for a candidate who seeks to be placed on the ballot, after the primary, in another party, and in opposition to the primary election victor. To take away the ability of a qualified elector to nominate a new candidate for the November election would essentially force those who voted for the primary-losing candidate to then either have no voice in the November election by way of not

voting, or to have only one choice of candidate for that particular office, whom they may have voted against in the primary.

Section 7-10 of the Illinois Election Code (*10 ILCS 5/7-10*) places a limitation on petition signers. It states, in pertinent part, "A 'qualified primary elector' of a party may not sign petitions for or be a candidate in the primary of more than one party." Counsel for Objector has asserted that a petition signer may not affiliate with both political parties. Counsel's assertion is correct, but only in reference to the act of signing petitions. The issue in this case is different; we are not dealing with individuals signing more than one petition for more than one party. The issue of whether an individual who voted in the March primary election may later sign a petition for a candidate for another political party does not invoke Section 7-10 of the Illinois Election Code; the Objector's argument is invalid as pertaining to this section.

Furthermore, in *Hossfield v. Illinois State Board of Elections*, 398 Ill.App3d 737, 924 N.E.2d 88 (Ill.App. 1 Dist.,2010), the Appellate court was asked to consider whether a Republican candidate was eligible to file nominating papers after he had voted a Democratic ballot in a consolidated primary election and subsequently voted in the general township election, in the same year. The court noted that section 8-8 of the Election Code previously contained a restriction that a qualified primary elector of a party could not have requested a primary ballot of any other party within 2 years of the date of which the nominating petition was to be filed." *Id. at* 741. The court also stated that the restriction, with respect to petition signers, was unconstitutional. *Id. citing Sperling v. County Officers Electoral Board*, 57 Ill.2d 81, 86, 309 N.E.2d 589 (1974).

The restrictions on those seeking nomination for office are far more stringent than the restrictions for those seeking to sign nominating petitions. *Id.* The only requirement for a person

to be a "qualified voter" or "qualified primary elector" for purposes of signing a nominating petition is that the person be registered to vote at the address shown opposite his signature on the petition or that the person was registered to vote at such address when he signed the petition. *10 ILCS 5/3-1.2* Additionally, the signer is not eligible to sign a nominating petition for more than one party.

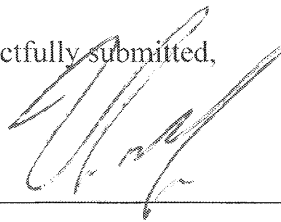
II. CASE LAW CITED BY OBJECTOR AT ORAL ARGUMENT IS INAPPLICABLE TO THE CASE AT BAR

Objector cites *Watkins v. Burke* 122 Ill.App.3d 499, 461 N.E.2d 625 (Ill.App. 1 Dist., 1984) in his argument. In that case, the court was asked to decide whether signatures on a nominating petition were valid, when signed by the same person, for more than one party. That issue is not present here; *Watkins*, is not relevant to the case at bar.

Objector also cites *Kusper v. Pontikes*, 414 U.S. 51 (1973). In *Kusper*, the Supreme Court was asked whether section 7-43(d) of the Illinois Election Code infringed upon the rights guaranteed by the First and Fourteenth Amendments. Section 7-43(d) of the election code contained a provision which limited primary voters to one political party when voting in a 23-month period. Section 7-43(d) was held unconstitutional and has been removed from the Illinois Election Code; *Kusper* does not apply to the case at bar.

WHEREFORE, Candidate, Cary Collins prays that this Electoral Board overrule the 56 objections in the Objector's petition marked as "other - Voted Democratic in Primary."

Respectfully submitted,



Vincent J. Geisler
Attorney for Candidate

Vincent J. Geisler
COLLINS AND RADJA, PC.
2200 W. Higgins Rd, Suite 155
Hoffman Estates, IL 60169
(847) 519-0010
Vincent.Geisler@gmail.com
ARDC #: 6305997

**Worthy v. Pierce
12 SOEB GE 102**

Candidate: Gary T. Pierce

Office: 96th Representative

Party: Jobs

Objector: Benji B. Worthy

Attorney For Objector: Michael Kasper

Attorney For Candidate: Pro se

Number of Signatures Required: 1500

Number of Signatures Submitted:

Number of Signatures Objected to:

Basis of Objection: The candidate's nomination papers contain an insufficient amount of signatures.

Dispositive Motions: N/A

Binder Check Necessary: No

Hearing Officer: Jim Tenuto

Hearing Officer Findings and Recommendation: The Objection should be sustained, based on the Candidate's failure to submit the minimum number of valid signatures necessary to appear on the ballot, and the Candidate's name should not be printed on the ballot for the November 2012 General Election.

Recommendation of the General Counsel: I concur with the recommendation of the Hearing Officer.

BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS

| | | |
|----------------------|---|----------------|
| Benji B. Worthy | { | |
| Petitioner/Objector | { | 12 SOEB GE 102 |
| Gary Pierce | { | |
| Respondent/Candidate | { | |
| | { | |
| | { | |

RECOMMENDATION OF THE HEARING EXAMINER
TO GENERAL COUNSEL

To: Steve Sandvoss, General Counsel

Objector: Michael Kasper, Attorney

Candidate: Pro Se

ANALYSIS

1. Candidate, Gary Pierce, timely filed nominating petitions for the office of Representative in the General Assembly for the 96th Representative District as a new party candidate in the General Election to be held November 6, 2012.
2. The minimum signature requirement for a candidate filing for the office of State Representative as a new party candidate is not fewer than 1,500 duly qualified registered and legal voters of said district.
3. The Objector timely filed an objection to the nominating petitions submitted by Gary Pierce.
4. The basis of the Objection is that the candidate submitted less than the minimum number of signatures required for this particular office. Other issues related to the Objection were not raised.
5. The candidate filed a Pro Se Appearance.
6. A Case Management Conference was held on July 9, 2012, in the branch office of the State Board of Elections. Michael Kasper filed an Appearance on behalf of the Objector. A Pro Se Appearance was filed on behalf of the candidate.
7. The following Motions were filed:
 - A. Objector's Motion for Judgment on the Pleadings.

DISCUSSION

1. A cursory examination of the candidate's nominating petition by the Hearing Examiner indicated that the petition included 88 signatures sheets (with up to 10 signature lines per page) which would yield a potential maximum of 880 signatures submitted (88 pages times 10 lines per page = 880 signatures). As counted by the Hearing Examiner, the candidate submitted approximately 856 signatures (some pages contain less than 10 signatures).
2. The minimum number of valid signatures to appear on the ballot as a new party candidate at the General Election for the office of State Representative is 1,500.
3. The candidate submitted nominating petitions which contain at least 644 signatures below the minimum number required.
4. Based on the candidate submitting nominating petitions containing less than the minimum number of 1,500 signatures, the Objector's Motion for Judgment on the Pleadings should be granted.

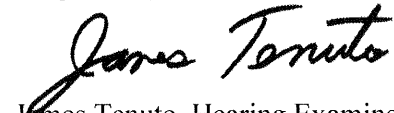
RECOMMENDATION

It is the Recommendation of the Hearing Examiner that Objector's Motion for Judgment on the Pleadings Be GRANTED for the reasons set forth above. Accordingly, the name of Gary Pierce as a candidate for the office of Representative in the General Assembly in the 96th Representative District at the General Election to be held on November 6, 2012, SHALL NOT BE PRINTED ON THE BALLOT.

This is a dispositive Motion which must be ruled upon by the State Officers Electoral Board.

DATED: July 18, 2012

Respectfully Submitted,



James Tenuto, Hearing Examiner

James Tenuto, Hearing Examiner
James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago, IL 60601
(312) 814-6440

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE
OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE 96th
REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

| | |
|-----------------------|---|
| Benji B. Worthy, |) |
| |) |
| Petitioner-Objector, |) |
| |) |
| v. |) |
| |) |
| Gary Pierce, |) |
| |) |
| Respondent-Candidate. |) |

12 JUL -2 PM 1:00
RECORDING OFFICE
STATE OF ILLINOIS

OBJECTOR'S PETITION

INTRODUCTION

Benji B. Worthy, hereinafter sometimes referred to as the Objector, states as follows:

1. The Objector resides at 1814 Holly Dr., Springfield, Illinois, Zip Code 62703, in the 96th Representative District of the State of Illinois, and is a duly qualified, legal and registered voter at that address.
2. The Objector's interest in filing this Petition is that of a voter desirous that the laws governing the filing of nomination papers for the office of Representative in the General Assembly for the 96th Representative District of the State of Illinois are properly complied with, and that only qualified candidates appear on the ballot for said office.

OBJECTIONS

3. The Objector makes the following objections to the purported nomination papers ("Nomination Papers") of Gary Pierce as a candidate for the office of Representative in the General Assembly for the 96th Representative District of the State of Illinois ("Office") to be voted for at the General Election on November 6, 2012 ("Election"). The Objector states that the Nomination Papers are insufficient in fact and law for the following reasons:
4. Pursuant to State law, nomination papers for the Office to be voted for at the Election must contain the signatures of not fewer than 1500 duly qualified, registered and legal voters of the 96th Representative District of the State of Illinois collected in the manner prescribed by law. In addition, nomination papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise executed in the form provided by law. The Nomination Papers purport to contain the signatures

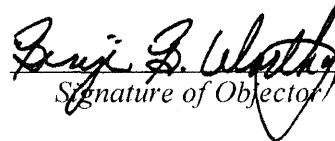
of in excess of 1500 such voters, and further purport to have been gathered, presented and executed in the manner provided by the Illinois Election Code.

5. The Nomination Papers are invalid in their entirety because the Candidate's nominating petitions contain only an insufficient number of signatures signed by qualified voters of the 96th Representative District. The Candidate filed a total of 88 petition sheets, which contain a maximum number of signatures of 10 per page. Assuming every page is completely full, and also assuming every signature on every sheet is valid, the Candidate has a maximum number of signatures on his nominating petitions of 880. As a result, the Candidate has a number of valid signatures on his nominating petitions far below the number required by law.

6. The Nomination Papers contain less than 1500 validly collected signatures of qualified and duly registered legal voters of the 96th Representative District, signed by such voters in their own proper person with proper addresses, below the number required under Illinois law, as is set forth by the objections recorded in the Appendix-Recapitulation attached hereto and incorporated herein.

14. The Appendix-Recapitulation is incorporated herein, and the objections made therein are a part of this Objector's Petition.

WHEREFORE, the Objector requests: a) a hearing on the objections set forth herein; b) an examination by the aforesaid Electoral Board of the official records relating to voters in the 96th Representative District, to the extent that such examination is pertinent to any of the matters alleged herein; c) a ruling that the Nomination Papers are insufficient in law and fact, and d) a ruling that the name of Gary Pierce shall not appear and not be printed on the ballot for election to the office of Representative in the General Assembly of the 96th Representative District of the State of Illinois, to be voted for at the General Election to be held November 6, 2012.


Signature of Objector

OBJECTOR:
Benji B. Worthy

Address:
1814 Holly Dr.
Springfield, IL 62703

VERIFICATION

STATE OF ILLINOIS

)

) SS.

COUNTY OF Sangamon

)

I, Benji B. Worthy, being first duly sworn upon oath, depose and state that I have read the above and foregoing OBJECTOR'S PETITION, and that the matters and facts contained therein are true and correct to the best of my knowledge and belief.

Benji B. Worthy

Subscribed and sworn to before me

by Benji B. Worthy

this 2 day of July, 2012.

Sarah Stanfill

Notary Public



**Chiles v. Dearing
12 SOEB GE 103**

Candidate: Marcus J. Dearing

Office: 74th Representative

Party: Independent

Objector: Barbara Chiles

Attorney For Objector: John Fogarty

Attorney For Candidate: Pro se

Number of Signatures Required: 1500

Number of Signatures Submitted:

Number of Signatures Objected to:

Basis of Objection: The candidate's nomination papers contain an insufficient amount of signatures.

Dispositive Motions: N/A

Binder Check Necessary: No

Hearing Officer: Jim Tenuto

Hearing Officer Findings and Recommendation: The Objection should be sustained, based on the Candidate's failure to submit the minimum number of valid signatures necessary to appear on the ballot, and the Candidate's name should not be printed on the ballot for the November 2012 General Election.

Recommendation of the General Counsel: I concur with the recommendation of the Hearing Officer.

BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS

| | | |
|----------------------|---|----------------|
| Barbara Chiles | { | |
| Petitioner/Objector | { | 12 SOEB GE 103 |
| Marcus Dearing | { | |
| Respondent/Candidate | { | |
| | { | |
| | { | |

RECOMMENDATION OF THE HEARING EXAMINER
TO GENERAL COUNSEL

To: Steve Sandvoss, General Counsel

Objector: John Fogarty Jr., Attorney

Candidate: Pro Se

ANALYSIS

1. Candidate, Marcus Dearing, timely filed nominating petitions for the office of Representative in the General Assembly for the 74th Representative District as an independent candidate in the General Election to be held November 6, 2012.
2. The minimum signature requirement for a candidate filing for the office of State Representative as an independent candidate is not fewer than 1,500 duly qualified registered and legal voters of said district.
3. The Objector timely filed an objection to the nominating petitions submitted by Marcus Dearing.
4. The basis of the Objection is that the candidate submitted less than the minimum number of signatures required for this particular office. Other issues related to the Objection were not raised.
5. The candidate filed a Pro Se Appearance.
6. A Case Management Conference was held on July 9, 2012, in the branch office of the State Board of Elections. John Fogarty Jr. filed an Appearance on behalf of the Objector. A Pro Se Appearance was filed on behalf of the candidate.
7. The following Motions were filed:
 - A. Objector's Motion to Stand on Pleadings which will be characterized as a Motion for Judgment on the Pleadings.

DISCUSSION

1. A cursory examination of the candidate's nominating petition by the Hearing Examiner indicated that the petition included 28 sheets (with up to 15 lines per page) which would yield a potential maximum of 420 signatures. As counted by the Hearing Examiner, the candidate submitted approximately 414 signatures (some pages contain less than 15 signatures).
2. The minimum number of valid signatures to appear on the ballot as an independent candidate at the General Election for the office of State Representative is 1,500.
3. The candidate submitted nominating petitions which contain at least 1,086 signatures below the minimum number required.
4. Based on the candidate submitting nominating petitions containing less than the minimum number of 1,500 signatures, the Objector's Motion for Judgment on the Pleadings should be granted.

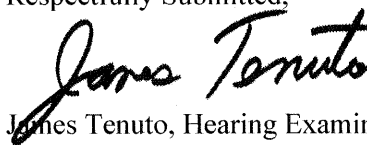
RECOMMENDATION

It is the Recommendation of the Hearing Examiner that Objector's Motion for Judgment on the Pleadings be GRANTED for the reasons set forth above. Accordingly, the name of Marcus Dearing as a candidate for the office of Representative in the General Assembly in the 74th Representative District at the General Election to be held on November 6, 2012, SHALL NOT BE PRINTED ON THE BALLOT.

This is a dispositive Motion which must be ruled upon by the State Officers Electoral Board.

DATED: July 18, 2012

Respectfully Submitted,

A handwritten signature in black ink that reads "James Tenuto". The signature is written in a cursive style with a large, stylized "J" and "T".

James Tenuto, Hearing Examiner

James Tenuto, Hearing Examiner
James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago, IL 60601
(312) 814-6440

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE
HEARING AND PASSING UPON OBJECTIONS TO THE NOMINATION
PAPERS FOR CANDIDATES FOR THE OFFICE OF REPRESENTATIVE IN
THE GENERAL ASSEMBLY FROM THE 74th REPRESENTATIVE DISTRICT
OF THE STATE OF ILLINOIS**

| | |
|------------------------------|---|
| Barbara Chiles |) |
| |) |
| Petitioner-Objector, |) |
| |) |
| vs. |) |
| |) |
| Marcus Dearing, |) |
| |) |
| Respondent-Candidate. |) |

12-01-2 11:2:08
CLERK OF THE
ELECTIONS

VERIFIED OBJECTOR'S PETITION

Now comes Barbara Chiles (hereinafter referred to as the "Objector"), and states as follows:

1. Barbara Chiles resides at 404 N. College Avenue, Aledo, Illinois 61231, in the 74th Representative District of the State of Illinois; that he is duly qualified, registered and a legal voter at such address; that his interest in filing the following objections is that of a citizen desirous of seeing to it that the laws governing the filing of nomination papers for a Candidate for Election to the Office of Representative in the General Assembly from the 74th Representative District of the State of Illinois, are properly complied with and that only qualified candidates have their names appear upon the ballot as candidates for said office.

2. Your Objector makes the following objections to the nomination papers of Marcus Dearing ("the Nomination Papers") as an Independent candidate for the Office of

Representative in the General Assembly from the 74th Representative District of the State of Illinois, and files the same herewith, and states that the said Nomination Papers are insufficient in law and in fact for the following reasons:

3. Your Objector states that in the 74th Representative District of the State of Illinois the signatures of not less than 1,500 duly qualified, registered, and legal voters of the said 74th Representative District of the State of Illinois are required for an Independent candidate. In addition, said Nomination Papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise be executed in the form and manner required by law.

The Candidate Has An Insufficient Number Of Signatures To Qualify For Office

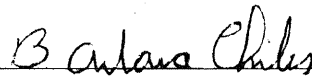
4. Your Objector states that the Candidate has filed 28 petition signature sheets containing no more than 420 signatures of allegedly duly qualified, legal, and registered voters of the 74th Representative District of the State of Illinois.

6. Your Objector states that the nomination papers herein contested consist of various sheets supposedly containing the valid and legal signatures of 420 individuals, which, on its face, is below the statutory minimum of 1,500.

7. Your Objector states that the laws pertaining to the securing of ballot access require that certain requirements be met as established by law. Filings made contrary to such requirements must be voided, being in violation of the statutes in such cases made and provided.

WHEREFORE, your Objector prays that the purported nomination papers of Marcus Dearing as an Independent candidate for the office of the Representative in the General Assembly from the 74th Representative District of the State of Illinois be declared by this Honorable Electoral Board to be insufficient and not in compliance with the laws of the State of Illinois and that the Candidate's name be stricken and that this Honorable Electoral Board enter its decision declaring that the name of Marcus Dearing as an Independent candidate for the office of the Representative in the General Assembly from the 74th Representative District of the State of Illinois BE NOT PRINTED on the OFFICIAL BALLOT at the General Election to be held on November 6, 2012.

Respectfully submitted,


OBJECTOR
Barbara Chiles

John G. Fogarty, Jr.
Law Office of John Fogarty, Jr.
4043 N. Ravenswood, Suite 226

VERIFICATION

The undersigned as Objector, first being duly sworn on oath, now deposes and says that [he] [she] has read this VERIFIED OBJECTOR'S PETITION and that the statements therein are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that [he] [she] verily believes the same to be true and correct.

Barbara Chiles
OBJECTOR

County of Mercer)
)
) ss.
State of Illinois)

Subscribed to and Sworn before me, a Notary Public, by Barbara Chiles, the Objector, on this the 29th day of June, 2012, at Alledo, Illinois.

Christy Shelton (SEAL)
NOTARY PUBLIC



My Commission expires: 5.6.14

Rakers v. McKerrow
12 SOEB GE 104

Candidate: Robert R. McKerrow

Office: 108th Representative

Party: Constitution

Objector: Charles Rakers

Attorney For Objector: John Fogarty

Attorney For Candidate: No appearance

Number of Signatures Required: 1500

Number of Signatures Submitted: 2

Number of Signatures Objected to: N/A

Basis of Objection: The candidate's nomination papers contain an insufficient amount of signatures.

Dispositive Motions: N/A

Binder Check Necessary: No

Hearing Officer: Jim Tenuto

Hearing Officer Findings and Recommendation: The Objection should be sustained, based on the Candidate's failure to submit the minimum number of valid signatures necessary to appear on the ballot, and the Candidate's name should not be printed on the ballot for the November 2012 General Election.

Recommendation of the General Counsel: I concur with the recommendation of the Hearing Officer.

BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS

| | | |
|----------------------|---|----------------|
| Charles Rakers | { | |
| Petitioner/Objector | { | 12 SOEB GE 104 |
| Robert R. McKerrow | { | |
| Respondent/Candidate | { | |
| | { | |
| | { | |

RECOMMENDATION OF THE HEARING EXAMINER
TO GENERAL COUNSEL

To: Steve Sandvoss, General Counsel

Objector: John Fogarty Jr., Attorney

Candidate: Robert R. McKerrow

ANALYSIS

1. Candidate, Robert R. McKerrow, timely filed nominating petitions for the office of State Representative in the General Assembly for the 108th Representative District as a new party candidate in the General Election to be held November 6, 2012.
2. The minimum signature requirement for a candidate filing for the office of State Representative as a new party candidate is not fewer than 1,500 duly qualified registered and legal voters of said district.
3. The Objector timely filed an objection to the nominating petitions submitted by Robert R. McKerrow.
4. The basis of the Objection is that the candidate submitted less than the minimum number of signatures required for this particular office. Other issues related to the Objection were not raised.
5. The candidate was served by certified mail and a green card was signed by McKerrow on July 6, 2012. A voicemail was also left with Tim Percy (Constitution Party Representative) on July 3, 2012 at 11:00 a.m...
6. A Case Management Conference was held on July 9, 2012, in the branch office of the State Board of Elections. John Fogarty Jr. filed an Appearance on behalf of the Objector. No one appeared on behalf of the candidate.
7. The following Motions were filed:
 - A. Objector's Motion to Stand on Pleadings which shall be characterized as a Motion for Judgment on the Pleadings.
8. The candidate has not had contact with the Hearing Examiner or any employee of the State Board of Elections.

DISCUSSION

1. A cursory examination of the candidate's nominating petition by the Hearing Examiner indicated that the petition included one signature sheet (with up to 10 signatures per page) which would yield a potential maximum of 10 signatures submitted (one page times 10 lines per page = 10 signatures). As counted by the Hearing Examiner, the candidate submitted approximately two signatures (some pages contain less than 10 signatures).
2. The minimum number of valid signatures to appear on the ballot as a new party candidate at the General Election for the office of State Representative is 1,500.
3. The candidate submitted nominating petitions which contain at least 1,498 signatures below the minimum number required.
4. Based on the candidate submitting nominating petitions containing less than the minimum number of 1,500 signatures, the Objector's Motion for Judgment on the Pleadings should be granted.

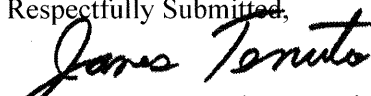
RECOMMENDATION

It is the Recommendation of the Hearing Examiner that Objector's Motion for Judgment on the Pleadings be GRANTED for the reasons set forth above. Accordingly, the name of Robert R. McKerrow as a candidate for the office of Representative in the General Assembly in the 108th Representative District at the General Election to be held on November 6, 2012, SHALL NOT BE PRINTED ON THE BALLOT.

This is a dispositive Motion which must be ruled upon by the State Officers Electoral Board.

DATED: July 18, 2012

Respectfully Submitted,



James Tenuto, Hearing Examiner

James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago, IL 60601
(312) 814-6440

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS FOR
CANDIDATES FOR THE OFFICE OF REPRESENTATIVE IN THE GENERAL
ASSEMBLY FROM THE 108th REPRESENTATIVE DISTRICT OF THE STATE OF
ILLINOIS**

| | |
|------------------------------|---|
| Charles Rakers |) |
| |) |
| Petitioner-Objector, |) |
| |) |
| vs. |) |
| |) |
| Robert R. McKerrow, |) |
| |) |
| Respondent-Candidate. |) |

12 JUL -2 PM 2:10

CLERK OF THE
ELECTORAL BOARD

VERIFIED OBJECTOR'S PETITION

Now comes Charles Rakers (hereinafter referred to as the "Objector"), and states as follows:

1. Charles Rakers resides at 153 E. Logan, Aviston, Illinois 62216, in the 108th Representative District of the State of Illinois; that he is duly qualified, registered and a legal voter at such address; that his interest in filing the following objections is that of a citizen desirous of seeing to it that the laws governing the filing of nomination papers for a Candidate for Election to the Office of Representative in the General Assembly from the 108th Representative District of the State of Illinois, are properly complied with and that only qualified candidates have their names appear upon the ballot as candidates for said office.

2. Your Objector makes the following objections to the nomination papers of Robert R. McKerrow ("the Nomination Papers") as a new party candidate for the Office of Representative in the General Assembly from the 108th Representative District of the State of Illinois, and files the same herewith, and states that the said Nomination Papers are insufficient in law and in fact for the following reasons:

3. Your Objector states that in the 108th Representative District of the State of Illinois the signatures of not less than 1,500 duly qualified, registered, and legal voters of the said 108th Representative District of the State of Illinois are required for a candidate to run as a new party candidate for said office. In addition, said Nomination Papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise be executed in the form and manner required by law.

The Candidate Has An Insufficient Number Of Signatures To Qualify For Office

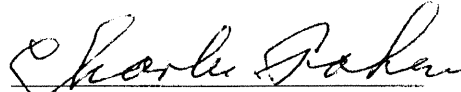
4. Your Objector states that the Candidate has filed 1 petition signature sheet containing 2 signatures of allegedly duly qualified, legal, and registered voters of the 108th Representative District of the State of Illinois.

5. Your Objector states that the nomination papers herein contested consist of various sheets supposedly containing the valid and legal signatures of 2 individuals, which, on its face, is below the statutory minimum of 1,500.

6. Your Objector states that the laws pertaining to the securing of ballot access require that certain requirements be met as established by law. Filings made contrary to such requirements must be voided, being in violation of the statutes in such cases made and provided.

WHEREFORE, your Objector prays that the purported nomination papers of Robert McKerrow as a new party candidate for the office of the Representative in the General Assembly from the 108th Representative District of the State of Illinois be declared by this Honorable Electoral Board to be insufficient and not in compliance with the laws of the State of Illinois and that the Candidate's name be stricken and that this Honorable Electoral Board enter its decision declaring that the name of Robert McKerrow as a new party candidate for the office of the Representative in the General Assembly from the 108th Representative District of the State of Illinois BE NOT PRINTED on the OFFICIAL BALLOT at the General Election to be held on November 6, 2012.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Charles Rakers", written over a horizontal line.

OBJECTOR
Charles Rakers

John G. Fogarty, Jr.
Law Office of John Fogarty, Jr.
4043 N. Ravenswood, Suite 226
Chicago, Illinois 60613
(773) 549-2647
(773) 680-4962 (mobile)
(773) 681-7147 (fax)
john@fogartylawoffice.com

VERIFICATION

The undersigned as Objector, first being duly sworn on oath, now deposes and says that [he] [she] has read this VERIFIED OBJECTOR'S PETITION and that the statements therein are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that [he] [she] verily believes the same to be true and correct.

Charles Rakers

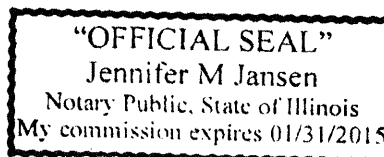
OBJECTOR

County of CLINTON)
) ss.
State of Illinois)

Subscribed to and Sworn before me, a Notary Public, by Charles Rakers, the Objector, on this the 2ND day of July, 2012, at Aviston, Illinois.

Jennifer M. Jansen (SEAL)
NOTARY PUBLIC

My Commission expires: 01/31/2015



**Wiss v. Norris
12 SOEB GE 105**

Candidate: Joe Norris

Office: 95th Representative

Party: Constitution

Objector: Adolph J. Wiss

Attorney For Objector: John Fogarty

Attorney For Candidate: No appearance

Number of Signatures Required: 1500

Number of Signatures Submitted: 1

Number of Signatures Objected to: N/A

Basis of Objection: The candidate's nomination papers contain an insufficient amount of signatures.

Dispositive Motions: Objector filed a Motion to Stand on the Pleadings

Binder Check Necessary: No

Hearing Officer: Jim Tenuto

Hearing Officer Findings and Recommendation: The Objection should be sustained, based on the Candidate's failure to submit the minimum number of valid signatures necessary to appear on the ballot, and the Candidate's name should not be printed on the ballot for the November 2012 General Election.

Recommendation of the General Counsel: I concur with the recommendation of the Hearing Officer.

BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS

| | | |
|----------------------|---|----------------|
| Adolph J. Wiss | { | |
| Petitioner/Objector | { | 12 SOEB GE 105 |
| Joe Norris | { | |
| Respondent/Candidate | { | |
| | { | |
| | { | |

RECOMMENDATION OF THE HEARING EXAMINER
TO GENERAL COUNSEL

To: Steve Sandvoss, General Counsel

Objector: John Fogarty Jr., Attorney

Candidate: Joe Norris

ANALYSIS

1. Candidate, Joe Norris, timely filed nominating petitions for the office of Representative in the General Assembly for the 95th Representative District in the General Election to be held November 6, 2012.
2. The minimum signature requirement for a candidate filing for the office of State Representative as a new party candidate is not fewer than 1,500 duly qualified registered and legal voters of said district.
3. The Objector timely filed an objection to the nominating petitions submitted by Joe Norris.
4. The basis of the Objection is that the candidate submitted less than the minimum number of signatures required for this particular office. Other issues related to the Objection were not raised.
5. The candidate was served by certified mail and a green card was signed by Norris on July 7, 2012. A voice mail was also left with Tim Percy (Constitution Party Representative).
6. A Case Management Conference was held on July 9, 2012, in the branch office of the State Board of Elections. John Fogarty Jr., filed an Appearance on behalf of the Objector. No one appeared on the behalf of the candidate.
7. The following Motions were filed:
 - A. Objector's Motion to Stand on the Pleadings which shall be characterized as a Motion for Judgment on the Pleadings
8. The candidate has had no contact with the Hearing Examiner or any employee of the State Board of Elections.

DISCUSSION

1. The candidate filed a maximum number of 10 valid signatures (one page x 10 lines per page = 10 signatures). This was determined by a cursory examination of the nominating petitions by the Hearing Examiner. (Some pages contain less than 10 signatures). The candidate submitted approximately one signature as counted by the Hearing Examiner.
2. The minimum number of valid signatures to appear on the ballot as a new party candidate at the General Election for the office of State Representative is 1,500.
3. The candidate submitted nominating petitions which contain at least 1,499 signatures below the minimum number required.
4. Based on the candidate submitting nominating petitions containing less than the minimum number of 1,500 signatures, the Objector's Motion for Judgment on the Pleadings should be granted.
- 5.

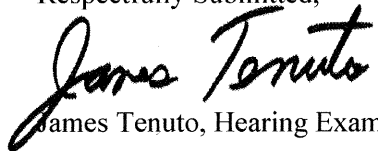
RECOMMENDATION

It is the Recommendation of the Hearing Examiner that Objector's Motion for Judgment on the Pleadings be GRANTED for the reasons set forth above. Accordingly, the name of Joe Norris as a candidate for the office of Representative in the General Assembly in the 95th Representative District at the General Election to be held on November 6, 2012, SHALL NOT BE PRINTED ON THE BALLOT.

This is a dispositive Motion which must be ruled upon by the State Officers Electoral Board.

DATED: July 18, 2012

Respectfully Submitted,


James Tenuto, Hearing Examiner

James Tenuto, Hearing Examiner
James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago, IL 60601
(312) 814-6440

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS FOR
CANDIDATES FOR THE OFFICE OF REPRESENTATIVE IN THE GENERAL
ASSEMBLY FROM THE 95th REPRESENTATIVE DISTRICT OF THE STATE OF
ILLINOIS**

| | |
|------------------------------|---|
| Adolph J. Wiss, |) |
| |) |
| Petitioner-Objector, |) |
| |) |
| vs. |) |
| |) |
| Joe Norris, |) |
| |) |
| Respondent-Candidate. |) |

CLERK OF THE CLERK OF THE
ELECTIONS
JAN 21 2 11 PM '12

VERIFIED OBJECTOR'S PETITION

Now comes Adolph J. Wiss (hereinafter referred to as the "Objector"), and states as follows:

1. Adolph J. Wiss resides at 702 Cedar Street, Pana, Illinois 62557, in the 95th Representative District of the State of Illinois; that he is duly qualified, registered and a legal voter at such address; that his interest in filing the following objections is that of a citizen desirous of seeing to it that the laws governing the filing of nomination papers for a Candidate for Election to the Office of Representative in the General Assembly from the 95th Representative District of the State of Illinois, are properly complied with and that only qualified candidates have their names appear upon the ballot as candidates for said office.

2. Your Objector makes the following objections to the nomination papers of Joe Norris ("the Nomination Papers") as a new party candidate for the Office of Representative in the General Assembly from the 95th Representative District of the State of Illinois, and files the same herewith, and states that the said Nomination Papers are insufficient in law and in fact for the following reasons:

3. Your Objector states that in the 95th Representative District of the State of Illinois the signatures of not less than 1,500 duly qualified, registered, and legal voters of the said 95th Representative District of the State of Illinois are required for a candidate to run as a new party candidate for said office. In addition, said Nomination Papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise be executed in the form and manner required by law.

The Candidate Has An Insufficient Number Of Signatures To Qualify For Office

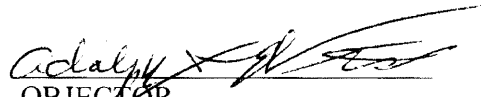
4. Your Objector states that the Candidate has filed 1 petition signature sheet containing 1 signature of allegedly duly qualified, legal, and registered voters of the 95th Representative District of the State of Illinois.

5. Your Objector states that the nomination papers herein contested consist of just one sheet supposedly containing the valid and legal signatures of 1 individual, which, on its face, is below the statutory minimum of 1,500.

6. Your Objector states that the laws pertaining to the securing of ballot access require that certain requirements be met as established by law. Filings made contrary to such requirements must be voided, being in violation of the statutes in such cases made and provided.

WHEREFORE, your Objector prays that the purported nomination papers of Joe Norris as a new party candidate for the office of the Representative in the General Assembly from the 95th Representative District of the State of Illinois be declared by this Honorable Electoral Board to be insufficient and not in compliance with the laws of the State of Illinois and that the Candidate's name be stricken and that this Honorable Electoral Board enter its decision declaring that the name of Joe Norris as a new party candidate for the office of the Representative in the General Assembly from the 95th Representative District of the State of Illinois BE NOT PRINTED on the OFFICIAL BALLOT at the General Election to be held on November 6, 2012.

Respectfully submitted,


OBJECTOR
Adolph J. Wiss

John G. Fogarty, Jr.
Law Office of John Fogarty, Jr.
4043 N. Ravenswood, Suite 226
Chicago, Illinois 60613
(773) 549-2647
(773) 680-4962 (mobile)
(773) 681-7147 (fax)
john@fogartylawoffice.com

VERIFICATION

The undersigned as Objector, first being duly sworn on oath, now deposes and says that [he] [she] has read this VERIFIED OBJECTOR'S PETITION and that the statements therein are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that [he] [she] verily believes the same to be true and correct.

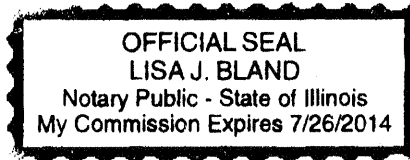
Adolph J. Wisi
OBJECTOR

County of Christian)
State of Illinois) ss.

Subscribed to and Sworn before me, a Notary Public, by Adolph J. Wisi, the
Objector, on this the 29th day of June, 2012, at Dana, Illinois.

Lisa J. Bland (SEAL)
NOTARY PUBLIC

My Commission expires: 7/26/14



Tozer v. Mazo
12 SOEB GE 106

Candidate: Frank Mazo

Office: 96th Representative

Party: Constitution

Objector: Ryan Tozer

Attorney For Objector: John Fogarty

Attorney For Candidate: No appearance

Number of Signatures Required: 1500

Number of Signatures Submitted: 1

Number of Signatures Objected to: N/A

Basis of Objection: The candidate's nomination papers contain an insufficient amount of signatures.

Dispositive Motions: N/A

Binder Check Necessary: No

Hearing Officer: Jim Tenuto

Hearing Officer Findings and Recommendation: The Objection should be sustained, based on the Candidate's failure to submit the minimum number of valid signatures necessary to appear on the ballot, and the Candidate's name should not be printed on the ballot for the November 2012 General Election.

Recommendation of the General Counsel: I concur with the recommendation of the Hearing Officer.

BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS

| | | |
|----------------------|---|----------------|
| Ryan Tozer | { | |
| Petitioner/Objector | { | 12 SOEB GE 106 |
| Frank Mazo | { | |
| Respondent/Candidate | { | |
| | { | |
| | { | |

RECOMMENDATION OF THE HEARING EXAMINER
TO GENERAL COUNSEL

To: Steve Sandvoss, General Counsel

Objector: John Fogarty Jr., Attorney

Candidate: Frank Mazo

ANALYSIS

1. Candidate, Frank Mazo, timely filed nominating petitions for the office of Representative in the General Assembly for the 96th Representative District in the General Election to be held November 6, 2012.
2. The minimum signature requirement for a candidate filing for the office of State Representative as a new party candidate is not fewer than 1,500 duly qualified registered and legal voters of said district.
3. The Objector timely filed an objection to the nominating petitions submitted by Frank Mazo.
4. The basis of the Objection is that the candidate submitted less than the minimum number of signatures required for this particular office. Other issues related to the Objection were not raised.
5. The candidate was served by certified mail and a green card was signed by Mazo on July 12, 2012. A voice mail was also left with Tim Percy (Constitution Party Representative).
6. A Case Management Conference was held on July 9, 2012, in the branch office of the State Board of Elections. John Fogarty Jr., filed an Appearance on behalf of the Objector. No one appeared on the behalf of the candidate.
7. The following Motions were filed:
 - A. Objector's Motion to Stand on the Pleadings which shall be characterized as a Motion for Judgment on the Pleadings
8. The candidate has had no contact with the Hearing Examiner or any employee of the State Board of Elections.

DISCUSSION

1. A cursory examination of the candidate's nominating petition by the Hearing Examiner indicated that the petition included one signature sheet (with up to 10 signature lines per page) which would yield a potential maximum of 10 signatures submitted (one page times 10 lines per page = 10 signatures). As counted by the Hearing Examiner, the candidate submitted approximately one signature (some pages contain less than 10 signatures).
2. The minimum number of valid signatures to appear on the ballot as a new party candidate at the General Election for the office of State Representative is 1,500.
3. The candidate submitted nominating petitions which contain at least 1,499 signatures below the minimum number required.
4. Based on the candidate submitting nominating petitions containing less than the minimum number of 1,500 signatures, the Objector's Motion for Judgment on the Pleadings should be granted.

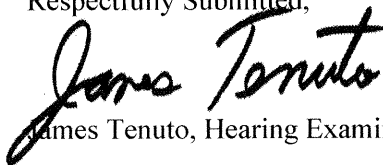
RECOMMENDATION

It is the Recommendation of the Hearing Examiner that Objector's Motion for Judgment on the Pleadings be GRANTED for the reasons set forth above. Accordingly, the name of Frank Mazo as a candidate for the office of Representative in the General Assembly in the 96th Representative District at the General Election to be held on November 6, 2012, SHALL NOT BE PRINTED ON THE BALLOT.

This is a dispositive Motion which must be ruled upon by the State Officers Electoral Board.

DATED: July 18, 2012

Respectfully Submitted,

A handwritten signature in black ink that reads "James Tenuto". The signature is written in a cursive, flowing style.

James Tenuto, Hearing Examiner

James Tenuto, Hearing Examiner
James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago, IL 60601
(312) 814-6440

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS FOR
CANDIDATES FOR THE OFFICE OF REPRESENTATIVE IN THE GENERAL
ASSEMBLY FROM THE 96th REPRESENTATIVE DISTRICT OF THE STATE OF
ILLINOIS**

| | |
|------------------------------|---|
| Ryan Tozer, |) |
| |) |
| Petitioner-Objector, |) |
| |) |
| vs. |) |
| |) |
| Frank Mazo, |) |
| |) |
| Respondent-Candidate. |) |

12.01.02 PM 2:14
ELECTORAL OFFICE
FILED FOR ELECTIONS

VERIFIED OBJECTOR'S PETITION

Now comes Ryan Tozer (hereinafter referred to as the "Objector"), and states as follows:

1. Ryan Tozer resides at 548 W. Canedy Street, Springfield, Illinois 62704, in the 96th Representative District of the State of Illinois; that he is duly qualified, registered and a legal voter at such address; that his interest in filing the following objections is that of a citizen desirous of seeing to it that the laws governing the filing of nomination papers for a Candidate for Election to the Office of Representative in the General Assembly from the 96th Representative District of the State of Illinois, are properly complied with and that only qualified candidates have their names appear upon the ballot as candidates for said office.

2. Your Objector makes the following objections to the nomination papers of Frank Mazo ("the Nomination Papers") as a new party candidate for the Office of Representative in the General Assembly from the 96th Representative District of the State of Illinois, and files the same herewith, and states that the said Nomination Papers are insufficient in law and in fact for the following reasons:

3. Your Objector states that in the 96th Representative District of the State of Illinois the signatures of not less than 1,500 duly qualified, registered, and legal voters of the said 96th Representative District of the State of Illinois are required for a candidate to run as a new party candidate for said office. In addition, said Nomination Papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise be executed in the form and manner required by law.

The Candidate Has An Insufficient Number Of Signatures To Qualify For Office

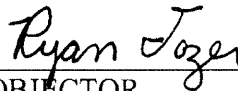
4. Your Objector states that the Candidate has filed 1 petition signature sheet containing 1 signature of allegedly duly qualified, legal, and registered voters of the 96th Representative District of the State of Illinois.

5. Your Objector states that the nomination papers herein contested consist of just one sheet supposedly containing the valid and legal signatures of 1 individual, which, on its face, is below the statutory minimum of 1,500.

6. Your Objector states that the laws pertaining to the securing of ballot access require that certain requirements be met as established by law. Filings made contrary to such requirements must be voided, being in violation of the statutes in such cases made and provided.

WHEREFORE, your Objector prays that the purported nomination papers of Frank Mazo as a new party candidate for the office of the Representative in the General Assembly from the 96th Representative District of the State of Illinois be declared by this Honorable Electoral Board to be insufficient and not in compliance with the laws of the State of Illinois and that the Candidate's name be stricken and that this Honorable Electoral Board enter its decision declaring that the name of Frank Mazo as a new party candidate for the office of the Representative in the General Assembly from the 96th Representative District of the State of Illinois BE NOT PRINTED on the OFFICIAL BALLOT at the General Election to be held on November 6, 2012.

Respectfully submitted,



OBJECTOR
Ryan Tozer

John G. Fogarty, Jr.
Law Office of John Fogarty, Jr.
4043 N. Ravenswood, Suite 226
Chicago, Illinois 60613
(773) 549-2647
(773) 680-4962 (mobile)
(773) 681-7147 (fax)
john@fogartylawoffice.com

VERIFICATION

The undersigned as Objector, first being duly sworn on oath, now deposes and says that [he] [she] has read this VERIFIED OBJECTOR'S PETITION and that the statements therein are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that [he] [she] verily believes the same to be true and correct.

Ryan Tozer

OBJECTOR

County of Sangamon)
) ss.
State of Illinois)

Subscribed to and Sworn before me, a Notary Public, by Ryan Tozer, the
Objector, on this the 2nd day of July, 2012, at Springfield, Illinois.

Sarah M Robinson (SEAL)
NOTARY PUBLIC

My Commission expires: March 4, 2015



Cushman v. Stufflebeam
12 SOEB GE 107

Candidate: Randy Stufflebeam

Office: 12th Congress

Party: Constitution

Objector: Gina Cushman

Attorney For Objector: Jeffrey Jurgens

Attorney For Candidate: No appearance

Number of Signatures Required: 5000

Number of Signatures Submitted: 2

Number of Signatures Objected to: N/A

Basis of Objection: The candidate's nomination papers contain an insufficient amount of signatures.

Dispositive Motions: N/A

Binder Check Necessary: No

Hearing Officer: Jim Tenuto

Hearing Officer Findings and Recommendation: The Objection should be sustained, based on the Candidate's failure to submit the minimum number of valid signatures necessary to appear on the ballot, and the Candidate's name should not be printed on the ballot for the November 2012 General Election.

Recommendation of the General Counsel: I concur with the recommendation of the Hearing Officer.

BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS

| | | |
|----------------------|---|----------------|
| Gina Cushman | { | |
| Petitioner/Objector | { | 12 SOEB GE 107 |
| Randy Stufflebeam | { | |
| Respondent/Candidate | { | |
| | { | |
| | { | |

RECOMMENDATION OF THE HEARING EXAMINER
TO GENERAL COUNSEL

To: Steve Sandvoss, General Counsel

Objector: Jeff Jurgens, Attorney

Candidate: Randy Stufflebeam

ANALYSIS

1. Candidate, Randy Stufflebeam, timely filed nominating petitions for the office of Representative in Congress for the 12th Congressional District in the General Election to be held November 6, 2012.
2. The minimum signature requirement for a candidate filing for the office of U.S. Congressman as a new party candidate is not fewer than 5,000 duly qualified registered and legal voters of said district.
3. The Objector timely filed an objection to the nominating petitions submitted by Randy Stufflebeam.
4. The basis of the Objection is that the candidate submitted less than the minimum number of signatures required for this particular office. Other issues related to the Objection were not raised.
5. The candidate was served by certified mail and a green card was signed by Stufflebeam on July 6, 2012. A voice mail was also left with Tim Percy (Constitution Party Representative).
6. A Case Management Conference was held on July 9, 2012, in the branch office of the State Board of Elections. Jeff Jergens, filed an Appearance on behalf of the Objector. No one appeared on the behalf of the candidate.
7. The following Motions were filed:
 - A. Objector's Motion for Judgment on the Pleadings
8. The candidate has had no contact with the Hearing Examiner or any employee of the State Board of Elections.

DISCUSSION

1. A cursory examination of the candidate's nominating petition by the Hearing Examiner indicated that the petition included one signature sheet (with up to 10 signature lines per page) which would yield a potential maximum of 10 signatures submitted (one page times 10 lines per page = 10 signatures). As counted by the Hearing Examiner, the candidate submitted approximately two signatures (some pages contain less than 10 signatures).
2. The minimum number of valid signatures to appear on the ballot as a new party candidate at the General Election for the office of U.S. Congressman is 5,000.
3. The candidate submitted nominating petitions which contain at least 4,998 signatures below the minimum number required.
4. Based on the candidate submitting nominating petitions containing less than the minimum number of 5,000 signatures, the Objector's Motion for Judgment on the Pleadings should be granted.

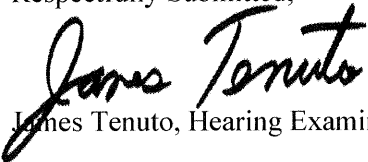
RECOMMENDATION

It is the Recommendation of the Hearing Examiner that Objector's Motion for Judgment on the Pleadings be GRANTED for the reasons set forth above. Accordingly, the name of Randy Stuffelbeam as a candidate for the office of Representative in Congress in the 12th Congressional District at the General Election to be held on November 6, 2012, SHALL NOT BE PRINTED ON THE BALLOT.

This is a dispositive Motion which must be ruled upon by the State Officers Electoral Board.

DATED: July 18, 2012

Respectfully Submitted,


James Tenuto, Hearing Examiner

James Tenuto, Hearing Examiner
James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago, IL 60601
(312) 814-6440

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTIONS
TO NOMINATION PAPERS OF CANDIDATES FOR ELECTION
TO THE OFFICE OF REPRESENTATIVE IN CONGRESS

| | | |
|-----------------------|---|-----|
| GINA CUSHMAN, |) | |
| |) | |
| Petitioner-Objector, |) | |
| |) | |
| vs. |) | No. |
| |) | |
| RANDY STUFFLEBEAM, |) | |
| |) | |
| Respondent-Candidate. |) | |

12 JUL -2 PM 2:44
ELECTORAL OFFICE
FOR THE HEARING AND PASSING UPON OF OBJECTIONS

VERIFIED OBJECTOR'S PETITION

INTRODUCTION

GINA CUSHMAN, hereinafter sometimes referred to as the "Objector," states as follows:

1. The Objector resides at 1902 Josey Wales Trail, DuQuoin, Illinois 62832 and is a duly qualified, legal and registered voter at that address within the 12th Congressional District.
2. The Objector's interest in filing this Petition is that of a voter desirous that the laws governing the filing of nomination papers for the office of Representative in Congress, 12th Congressional District in the State of Illinois are properly complied with, and that only qualified candidates appear on the ballot for said office.

OBJECTIONS

3. The Objector makes the following objections to the purported nomination papers ("Nomination Papers") of RANDY STUFFLEBEAM (sometimes referred to herein as "Candidate" or "Stufflebeam") as a candidate for the office of Representative in Congress in the 12th Congressional District in the State of Illinois, ("office") to be voted at the General Election on November 6, 2012 ("election"). The Objector states that the Nomination Papers are insufficient in fact and law for the reasons set forth herein. All references to the 12th Congressional District contained herein shall be to the newly-created Illinois 12th Congressional District pursuant to the Illinois Congressional Redistricting Act of 2011 and any other laws or orders regarding same.

4. Pursuant to state law, nomination papers for the office of Representative in Congress for the 12th Congressional District, wherein a new party is sought to be created, must contain the signatures of not fewer than 5,000 duly qualified, registered and legal voters of said district collected in the manner prescribed by law. 10 ILCS 5/10-2. In addition, said Nomination Papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise executed in the form provided by law. The Nomination Papers filed by STUFFLEBEAM only purport to contain the signatures of two (2) voters, and further purport to have been gathered, presented and executed in the manner provided by the Illinois Election Code. However, as set forth in this Objection, the Nomination Papers do not contain the requisite number of signatures of registered and legal voters of the 12th Congressional District and Candidate's name therefore cannot be printed on the ballot as a candidate for Representative in Congress for the 12th Congressional District.

5. Section 10-2 of the Election Code provides that for the first election following a redistricting of congressional districts, a petition to form a new political party in a congressional district shall be signed by at least 5,000 qualified voters of the congressional district. 10 ILCS 5/10-2.

6. The Statement of Candidacy filed by STUFFLEBEAM states he is running under the "Constitution Party", a new political party to be formed, and the only Petition for Nomination filed by STUFFLEBEAM states that it seeks to create a new political party to be designated as the "Constitution Party."

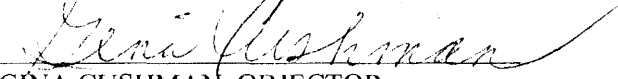
7. Although 5,000 valid signatures were required to be filed pursuant to the Election Code to obtain ballot access for a new political party candidate, STUFFLEBEAM filed only two (2) signatures and accordingly the number of signatures necessary is deficient by at least 4,998 signatures.

8. STUFFLEBEAM'S Petition for Nomination is further deficient in fact and law as it fails to set forth the district where the individuals signing purport to be qualified voters.

9. STUFFLEBEAM failed to file the requisite number of valid signatures to have his name placed on the ballot for the office of Representative in Congress and his name cannot be printed on the ballot nor his Nominating Papers accepted to form a new political party.

10. The Nomination Papers contain less than 5,000 validly collected signatures of qualified and duly registered legal voters of the 12th Congressional District, signed by such voters in their own proper person with proper addresses, far below the number required under Illinois law.

WHEREFORE, the Objector requests a hearing on the objections set forth herein, an examination by the aforesaid Electoral Board of the official records relating to voters in the 12th Congressional District, to the extent that such examination is pertinent to any of the matters alleged herein, a ruling that the Nomination Papers are insufficient in law and fact, including that an insufficient number of signatures were filed to place Candidate's name on the ballot and a ruling that the name of RANDY STUFFLEBEAM shall not appear and be not printed on the ballot for election to the office of Representative in Congress for the 12th Congressional District in the State of Illinois, to be voted for at the General Election to be held on November 6, 2012.


GINA CUSHMAN, OBJECTOR

VERIFICATION

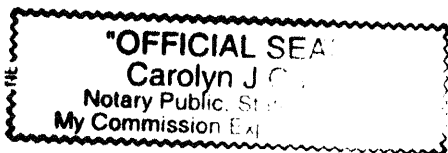
State of Illinois)
County of DeWitt) ss.

The undersigned, being first duly sworn, deposes and states that she is the Objector in the above Verified Objector's Petition, that she has read the contents thereof, and that the allegations therein are true to the best of the undersigned's knowledge and belief.

Gina Cushman
GINA CUSHMAN, OBJECTOR

Subscribed and sworn to before me,
a Notary Public, by Gina Cushman
on July 2, 2012.

Carolyn J. C...
Notary Public



Carruthers v. Percy
12 SOEB GE 110

Candidate: Tim Percy

Office: 15th Congress

Party: Constitution

Objector: Andrew K. Carruthers

Attorney For Objector: John Fogarty

Attorney For Candidate: No appearance

Number of Signatures Required: 5000

Number of Signatures Submitted: 1

Number of Signatures Objected to: N/A

Basis of Objection: The candidate's nomination papers contain an insufficient amount of signatures.

Dispositive Motions: N/A

Binder Check Necessary: No

Hearing Officer: Jim Tenuto

Hearing Officer Findings and Recommendation: The Objection should be sustained, based on the Candidate's failure to submit the minimum number of valid signatures necessary to appear on the ballot, and the Candidate's name should not be printed on the ballot for the November 2012 General Election.

Recommendation of the General Counsel: I concur with the recommendation of the Hearing Officer.

BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS

| | | |
|----------------------|---|----------------|
| Andrew K. Carruthers | { | |
| Petitioner/Objector | { | 12 SOEB GE 110 |
| Tim Percy | { | |
| Respondent/Candidate | { | |
| | { | |
| | { | |

RECOMMENDATION OF THE HEARING EXAMINER
TO GENERAL COUNSEL

To: Steve Sandvoss, General Counsel

Objector: John Fogarty Jr., Attorney

Candidate: Tim Percy

ANALYSIS

1. Candidate, Tim Percy, timely filed nominating petitions for the office of Representative in Congress for the General Assembly for the 15th Congressional District as a new party candidate in the General Election to be held November 6, 2012.
2. The minimum signature requirement for a candidate filing for the office of U.S. Congressman is not fewer than 5,000 duly qualified registered and legal voters of said district.
3. The Objector timely filed an objection to the nominating petitions submitted by Tim Percy.
4. The basis of the Objection is that the candidate submitted less than the minimum number of signatures required for this particular office. Other issues related to the Objection were not raised.
5. The candidate was served by certified mail and a green card was signed by Percy on July 6, 2012. A voice mail was also left for Percy on July 3, 2012 at 11:00 a.m...
6. A Case Management Conference was held on July 9, 2012, in the branch office of the State Board of Elections. John Fogarty Jr., filed an Appearance on behalf of the Objector. No one appeared on the behalf of the candidate.
7. The following Motions were filed:
 - A. Objector's Motion to Stand on the Pleadings which shall be characterized as a Motion for Judgment on the Pleadings
8. The candidate has had no contact with the Hearing Examiner or any employee of the State Board of Elections.

DISCUSSION

1. A cursory examination of the candidate's nominating petition by Hearing Examiner indicated that the petition included one signature sheet (with up to 10 signature lines per page) which would yield a potential maximum of 10 signatures submitted (one page times 10 lines per page = 10 signatures). As counted by the Hearing Examiner, the candidate submitted approximately one signature (some pages contain less than 10 signatures)
2. The minimum number of valid signatures to appear on the ballot as a new party candidate at the General Election for the office of United States Congressman is 5,000.
3. The candidate submitted nominating petitions which contain at least 1,499 signatures below the minimum number required.
4. Based on the candidate submitting nominating petitions containing less than the minimum number of 5,000 signatures, the Objector's Motion for Judgment on the Pleadings should be granted.

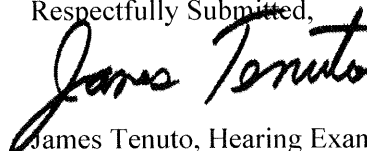
RECOMMENDATION

It is the Recommendation of the Hearing Examiner that Objector's Motion for Judgment on the Pleadings Be GRANTED for the reasons set forth above. Accordingly, the name of Tim Percy as a candidate for the office of Representative in Congress in the 15th Congressional District at the General Election to be held on November 6, 2012, SHALL NOT BE PRINTED ON THE BALLOT.

This is a dispositive Motion which must be ruled upon by the State Officers Electoral Board.

DATED: July 19, 2012

Respectfully Submitted,

A handwritten signature in black ink that reads "James Tenuto". The signature is written in a cursive, flowing style with a large initial "J".

James Tenuto, Hearing Examiner

James Tenuto, Hearing Examiner
James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago, IL 60601
(312) 814-6440

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING
AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS FOR
CANDIDATES FOR THE OFFICE OF REPRESENTATIVE IN CONGRESS FROM
THE 15th CONGRESSIONAL DISTRICT OF THE STATE OF ILLINOIS**

Andrew K. Carruthers,)
)
Petitioner-Objector,)
)
vs.)
)
Tim Percy,)
)
Respondent-Candidate.)

12 JUL -2 PM 3:43
CLERK OF THE ELECTIONS
PRINCIPAL OFFICE

VERIFIED OBJECTOR'S PETITION

Now comes Andrew K. Carruthers (hereinafter referred to as the "Objector"), and states as follows:

1. Andrew K. Carruthers resides at 713 Copper Line Road, Maryville, Illinois 62062, in the 15th Congressional District of the State of Illinois; that he is duly qualified, registered and a legal voter at such address; that his interest in filing the following objections is that of a citizen desirous of seeing to it that the laws governing the filing of nomination papers for a Candidate for Election to the Office of Representative in Congress from the 15th Congressional District of the State of Illinois, are properly complied with and that only qualified candidates have their names appear upon the ballot as candidates for said office.

2. Your Objector makes the following objections to the nomination papers of Tim Percy ("the Nomination Papers") as a new party candidate for the Office of Representative in Congress from the 15th Congressional District of the State of Illinois, and files the same herewith, and states that the said Nomination Papers are insufficient in law and in fact for the following reasons:

3. Your Objector states that in the 15th Congressional District of the State of Illinois the signatures of not less than 5,000 duly qualified, registered, and legal voters of the said 15th Congressional District of the State of Illinois are required for a candidate to run as a new party candidate for said office. In addition, said Nomination Papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise be executed in the form and manner required by law.

The Candidate Has An Insufficient Number Of Signatures To Qualify For Office


4. Your Objector states that the Candidate has filed 1 petition signature sheet containing 1 signature of allegedly duly qualified, legal, and registered voters of the 15th Congressional District of the State of Illinois.

5. Your Objector states that the nomination papers herein contested consist of various sheets supposedly containing the valid and legal signatures of 1 individual, which, on its face, is below the statutory minimum of 5,000.

6. Your Objector states that the laws pertaining to the securing of ballot access require that certain requirements be met as established by law. Filings made contrary to such requirements must be voided, being in violation of the statutes in such cases made and provided.

WHEREFORE, your Objector prays that the purported nomination papers of Tim Percy as a new party candidate for the office of the Representative in Congress from the 15th Congressional District of the State of Illinois be declared by this Honorable Electoral Board to be insufficient and not in compliance with the laws of the State of Illinois and that the Candidate's name be stricken and that this Honorable Electoral Board enter its decision declaring that the name of Tim Percy as a new party candidate for the office of the Representative in the Congress from the 15th Congressional District of the State of Illinois BE NOT PRINTED on the OFFICIAL BALLOT at the General Election to be held on November 6, 2012.

Respectfully submitted,


OBJECTOR

John G. Fogarty, Jr.
Law Office of John Fogarty, Jr.
4043 N. Ravenswood, Suite 226
Chicago, Illinois 60613
(773) 549-2647
(773) 680-4962 (mobile)
(773) 681-7147 (fax)
john.g.fogarty@lawoffice.com

VERIFICATION

The undersigned as Objector, first being duly sworn on oath, now deposes and says that (he) [she] has read this VERIFIED OBJECTOR'S PETITION and that the statements therein are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that (he) [she] verily believes the same to be true and correct.

Amr. H. Launth

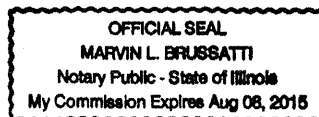
OBJECTOR

County of Madison)
) ss.
State of Illinois)

Subscribed to and Sworn before me, a Notary Public, by Andrew K. Carruthers, the Objector, on this the 2nd day of July, 2012, at Maryville, Illinois.

Marvin L. Brussatti (SEAL)
NOTARY PUBLIC

My Commission expires: 8/6/2015



BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS

| | | |
|----------------------|---|----------------|
| Michael H. DeVivo | { | |
| Petitioner/Objector | { | 12 SOEB GE 504 |
| Jeff Tucek | { | |
| Respondent/Candidate | { | |
| | { | |
| | { | |

RECOMMENDATION OF THE HEARING EXAMINER
TO GENERAL COUNSEL

To: Steve Sandvoss, General Counsel

Objector: Matthew M. Welch, Attorney

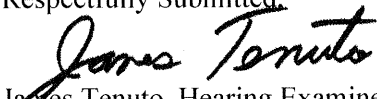
Candidate: Jeff Tucek

Candidate Jeff Tucek timely filed nomination petitions for the office of State Senator in the 41st Legislative District. An Objection was timely filed.

Candidate Jeff Tucek filed a Withdrawal of Candidacy on July 9, 2012.

There Being no further matter pending, this case should be hereby dismissed.

Respectfully Submitted,



James Tenuto, Hearing Examiner

James Tenuto, Hearing Examiner
James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago, IL 60601
(312) 814-6440

WITHDRAWAL OF CANDIDACY

I, Jeff Truck (Name of Candidate) being first duly sworn, say that I reside at 1 North Breen Place in the City/Village of La Grange, County of Cook and State of Illinois; that I am the same person whose name is subscribed hereto in whose behalf nomination papers were filed for the office of State Senate, 411 district, INDEPENDENT Party, and I hereby withdraw as a candidate for said office and respectfully request that my name **NOT** be printed upon the official ballot as a candidate for the General Election to be held on NOV 6, 2012 (date of election).

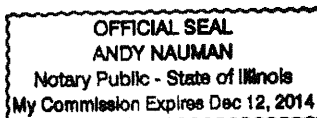
Jeff Truck
SIGNATURE OF CANDIDATE

STATE OF ILLINOIS)
COUNTY OF COOK) SS.

I, Andy Nauman, a Notary Public, in and for said County and State aforesaid, do hereby certify that Jeff Truck personally known to me to be the same person whose name is subscribed to in the foregoing withdrawal, appeared before me in person this day and acknowledged that he/she signed the said instrument as his free and voluntary act of his/her own will and accord.

Signed and sworn to (or affirmed) by Jeff Truck before me on July 9, 2012 (insert month, day, year)

(SEAL)



Andy Nauman
(Notary Public's Signature)

Withdrawal is filed with the office where original nominating petition or certificate of nomination was filed. Upon receipt, the local election official must issue amended certification to each election authority who prepares ballots for the political subdivision.

2012 JUL 9 PM 12:05

CHICAGO

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTIONS
TO THE OFFICE OF STATE SENATOR**

| | | |
|-----------------------|---|-----|
| Michael H. DeVivo, |) | |
| |) | |
| Petitioner-Objector, |) | |
| |) | |
| vs. |) | No. |
| |) | |
| Jeff Tucek, |) | |
| |) | |
| Respondent-Candidate. |) | |

CHICAGO
2012 JUL -2 AM 9:00
STATE BOARD OF ELECTIONS

VERIFIED OBJECTOR'S PETITION

INTRODUCTION

Michael H. DeVivo, hereinafter sometimes referred to as the "Objector", states as follows:

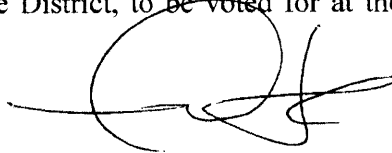
1. The Objector resides at 15658 Janas Drive, Homer Glen, IL 60491, and is a duly qualified, legal and registered voter at that address, within the 41st Legislative District.
2. The Objector's interest in filing this Petition is that of a voter desirous that the laws governing the filing of petitions and nomination papers for the office of State Senator, 41st Legislative District, ("Office") are properly complied with, and that only qualified candidates appear on the ballot for said office.

OBJECTIONS

3. The Objector makes the following objections to the purported nomination papers ("Nomination Papers") and petitions of Jeff Tucek, a candidate for State Senator, 41st Legislative District, to be voted at the Election on November 6, 2012 ("election"). The Objector states that the Nomination Papers and Petitions are insufficient in fact and law for the following reasons:
4. Pursuant to state law, nomination papers and petitions for an Independent for State Senator, 41st Legislative District, to be voted for at the Election to be held November 6, 2012, must contain the signatures of not fewer than 3,000 duly qualified, registered and legal voters of said district collected in the manner prescribed by law. In addition, said Nomination Papers and Petitions must truthfully state the qualifications of the candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise executed in the form provided by law.
5. The Nomination Papers and Petitions, on their face, contain less than 3,000 validly collected signatures of qualified and duly registered legal voters of the 41st Legislative District, signed by such voters in their own proper person with proper addresses. Since the total number of signatures are, at most 2,224, this is below the number required under Illinois law.

CONCLUSION

WHEREFORE, the Objector requests a hearing on the objections set forth herein, an examination by the aforesaid Electoral Board of the official records relating to voters in the applicable district, to the extent that such examination is pertinent to any of the matters alleged herein, a ruling that the Nomination Papers and Petitions are insufficient in law and fact, and a ruling that the name of Jeff Tucek shall not appear and not be printed on the ballot for election to the office of State Senator, 41st Legislative District, to be voted for at the Election to be held November 6, 2012.

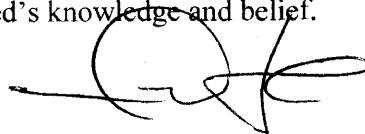
A handwritten signature in black ink, consisting of a large, stylized 'Q' followed by a horizontal line and a small flourish.

OBJECTOR

VERIFICATION

State of Illinois)
) ss.
County of Cook)

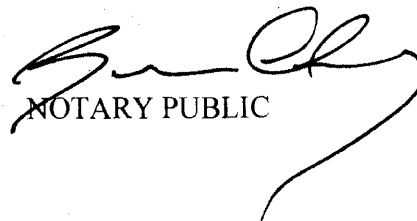
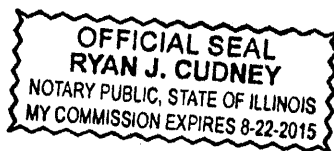
The undersigned, being first duly sworn, deposes and states that he is the Objector in the above Verified Objector's Petition, that he has read the contents thereof, and that the allegations therein are true to the best of the undersigned's knowledge and belief.



OBJECTOR

Subscribed and sworn to before me, a Notary Public, by

Michael H. DeVito
on June 29, 2012.



NOTARY PUBLIC

**Burton S. Odelson
Matthew M. Welch
Odelson & Sterk, Ltd.
3318 W. 95th Street
Evergreen Park, IL 60805
(708) 424-5678**

**Sloan v. Kossack
12 SOEB GE 508**

Candidate: Scott Kossack

Office: 118th Representative

Party: Constitution

Objector: Richard Mason Sloan

Attorney For Objector: Michael Kasper

Attorney For Candidate: No appearance

Number of Signatures Required: 1500

Number of Signatures Submitted: 1

Number of Signatures Objected to: N/A

Basis of Objection: The candidate's nomination papers contain an insufficient amount of signatures.

Dispositive Motions: N/A

Binder Check Necessary: No

Hearing Officer: Jim Tenuto

Hearing Officer Findings and Recommendation: The Objection should be sustained, based on the Candidate's failure to submit the minimum number of valid signatures necessary to appear on the ballot, and the Candidate's name should not be printed on the ballot for the November 2012 General Election.

Recommendation of the General Counsel: I concur with the recommendation of the Hearing Officer.

BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS

| | | |
|----------------------|---|----------------|
| Richard Mason Sloan | { | |
| Petitioner/Objector | { | 12 SOEB GE 508 |
| Scott Kossack | { | |
| Respondent/Candidate | { | |
| | { | |
| | { | |

RECOMMENDATION OF THE HEARING EXAMINER
TO GENERAL COUNSEL

To: Steve Sandvoss, General Counsel

Objector: Michael Kasper, Attorney

Candidate: Scott Kossack

ANALYSIS

1. Candidate, Scott Kossack, timely filed nominating petitions for the office of State Representative in the General Assembly for the 118th Representative District as a new party candidate in the General Election to be held November 6, 2012.
2. The minimum signature requirement for a candidate filing for the office of State Representative in the 118th Representative District is not fewer than 1,500 duly qualified registered and legal voters of said district.
3. The Objector timely filed an objection to the nominating petitions submitted by Scott Kossack.
4. The basis of the Objection is that the candidate submitted less than the minimum number of signatures required for this particular office. Other issues related to the Objection were not raised.
5. The candidate was served by certified mail and a green card was sent to the address on his Statement of Candidacy. A voice mail was also left with Tim Percy (Constitution Party Representative).
6. A Case Management Conference was held on July 9, 2012, in the branch office of the State Board of Elections. Michael Kasper filed an Appearance on behalf of the Objector. No one appeared on behalf of the candidate.
7. The following Motions were filed:
 - A. Objector's Motion for Judgment on the Pleadings.
8. The candidate has had no contact with the Hearing Examiner or any employee of the State Board of Elections.

DISCUSSION

1. A cursory examination of the candidate's nominating petition by the Hearing Examiner indicated that the petition included one signatures sheets (with up to 10 signature lines per page) which would yield a potential maximum of 10 signatures submitted (six pages times 10 lines per page = 10 signatures). As counted by the Hearing Examiner, the candidate submitted approximately 1 signature (some pages contain less than 10 signatures).
2. The minimum number of valid signatures to appear on the ballot as a new party candidate at the General Election for the office of State Representative is 1,500.
3. The candidate submitted nominating petitions which contain at least 1,499 signatures below the minimum number required.
4. Based on the candidate submitting nominating petitions containing less than the minimum number of 1,500 signatures, the Objector's Motion for Judgment on the Pleadings should be granted.

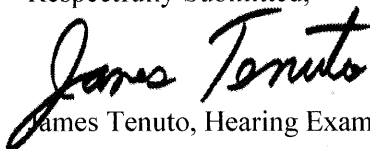
RECOMMENDATION

It is the Recommendation of the Hearing Examiner that Objector's Motion for Judgment on the Pleadings be GRANTED for the reasons set forth above. Accordingly, the name of Scott Evans as a candidate for the office of State Representative in the General Assembly in the 118th Representative District at the General Election to be held on November 6, 2012, SHALL NOT BE PRINTED ON THE BALLOT.

This is a dispositive Motion which must be ruled upon by the State Officers Electoral Board.

DATED: July 19, 2012

Respectfully Submitted,


James Tenuto, Hearing Examiner

James Tenuto, Hearing Examiner
James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago, IL 60601
(312) 814-6440

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE
OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE 118th
REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

Richard Mason Sloan,)
)
Petitioner-Objector,)
)
v.)
)
Scott Kossack,)
)
Respondent-Candidate.)

CHICAGO
2012 JUL -2 PM 1:27
STATE BOARD OF ELECTIONS

OBJECTOR'S PETITION

INTRODUCTION

Richard Mason Sloan, hereinafter sometimes referred to as the Objector, states as follows:

1. The Objector resides at 322 E. Walnut Street, Harrisburg, Illinois, Zip Code 62946, in the 118th Representative District of the State of Illinois, and is a duly qualified, legal and registered voter at that address.
2. The Objector's interest in filing this Petition is that of a voter desirous that the laws governing the filing of nomination papers for the office of Representative in the General Assembly for the 118th Representative District of the State of Illinois are properly complied with, and that only qualified candidates appear on the ballot for said office.

OBJECTIONS

3. The Objector makes the following objections to the purported nomination papers ("Nomination Papers") of Scott Kossack as a candidate for the office of Representative in the General Assembly for the 118th Representative District of the State of Illinois ("Office") to be voted for at the General Election on November 6, 2012 ("Election"). The Objector states that the Nomination Papers are insufficient in fact and law for the following reasons:
4. Pursuant to State law, nomination papers for the Office to be voted for at the Election must contain the signatures of not fewer than 1500 duly qualified, registered and legal voters of the 118th Representative District of the State of Illinois collected in the manner prescribed by law. In addition, nomination papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise

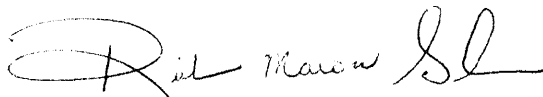
executed in the form provided by law. The Nomination Papers purport to contain the signatures of in excess of 1500 such voters, and further purport to have been gathered, presented and executed in the manner provided by the Illinois Election Code.

5. The Nomination Papers are invalid in their entirety because the Candidate's nominating petitions contain only one signature, that of the Candidate himself. As a result, the Candidate has a number of valid signatures on his nominating petitions far below the number required by law.

6. The Nomination Papers contain less than 1500 validly collected signatures of qualified and duly registered legal voters of the 118th Representative District, signed by such voters in their own proper person with proper addresses, below the number required under Illinois law, as is set forth by the objections recorded in the Appendix-Recapitulation attached hereto and incorporated herein.

14. The Appendix-Recapitulation is incorporated herein, and the objections made therein are a part of this Objector's Petition.

WHEREFORE, the Objector requests: a) a hearing on the objections set forth herein; b) an examination by the aforesaid Electoral Board of the official records relating to voters in the 118th Representative District, to the extent that such examination is pertinent to any of the matters alleged herein; c) a ruling that the Nomination Papers are insufficient in law and fact, and d) a ruling that the name of Scott Kossack shall not appear and not be printed on the ballot for election to the office of Representative in the General Assembly of the 118th Representative District of the State of Illinois, to be voted for at the General Election to be held November 6, 2012.



Signature of Objector

OBJECTOR:
Richard Mason Sloan

Address:
322 E. Walnut St.
Harrisburg, IL 62946

VERIFICATION

STATE OF ILLINOIS

COUNTY OF Saline

)
) SS.
)

I, Richard Mason Sloan, being first duly sworn upon oath, depose and state that I have read the above and foregoing OBJECTOR'S PETITION, and that the matters and facts contained therein are true and correct to the best of my knowledge and belief.

Richard M. Sloan

Subscribed and sworn to before me

by Richard Mason Sloan

this 18 day of June, 2012.

Penny Sisk
Notary Public



Hartweg v. Kay (Karkusiewicz)
12 SOEB GE 509

Candidate: Daniel S. Kay (Karkusiewicz)

Office: 39th Senate

Party: Independent

Objector: Christopher P. Hartweg

Attorney For Objector: Michael Kasper

Attorney For Candidate: Pro se

Number of Signatures Required: 3000

Number of Signatures Submitted:

Number of Signatures Objected to: N/A

Basis of Objection: The candidate's nomination papers contain an insufficient amount of signatures.

Dispositive Motions: N/A

Binder Check Necessary: No

Hearing Officer: Jim Tenuto

Hearing Officer Findings and Recommendation: The Objection should be sustained, based on the Candidate's failure to submit the minimum number of valid signatures necessary to appear on the ballot, and the Candidate's name should not be printed on the ballot for the November 2012 General Election.

Recommendation of the General Counsel: I concur with the recommendation of the Hearing Officer.

BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS

| | | |
|------------------------------|---|----------------|
| Christopher P. Hartweg | { | |
| Petitioner/Objector | { | 12 SOEB GE 509 |
| Daniel S. Kay (Karkusiewicz) | { | |
| Respondent/Candidate | { | |
| | { | |
| | { | |

RECOMMENDATION OF THE HEARING EXAMINER
TO GENERAL COUNSEL

To: Steve Sandvoss, General Counsel

Objector: Michael Kasper, Attorney

Candidate: Daniel S. Kay (Pro Se)

ANALYSIS

1. Candidate, Daniel S. Kay (Karkusiewicz), timely filed nominating petitions for the office of State Senator for the 39th Legislative District as an independent candidate in the General Election to be held November 6, 2012.
2. The minimum signature requirement for a candidate filing for the office of State Senator as an independent candidate is not fewer than 3,000 duly qualified registered and legal voters of said district.
3. The Objector timely filed an objection to the nominating petitions submitted by Daniel S. Kay (Karkusiewicz).
4. The basis of the Objection is that the candidate submitted less than the minimum number of signatures required for this particular office. Other issues related to the Objection were also raised, to wit the candidate voted in the Republican Party's Primary Election on March 20, 2012, Thus he is prohibited from running as an independent candidate.
5. The candidate was served by certified mail and filed a Pro Se Appearance.
6. A Case Management Conference was held on July 9, 2012, in the branch office of the State Board of Elections. Michael Kasper filed an Appearance on behalf of the Objector. Daniel S. Kay (Karkusiewicz) filed a Pro Se Appearance.
7. The following Motions were filed:
 - A. Objector's Motion for Judgment on the Pleadings.
 - B. Candidate filed an Email response to Objector's Motion for Judgment on the Pleadings.

DISCUSSION

1. A cursory examination of the candidate's nominating petition by the Hearing Examiner indicated that the petition included 27 signatures sheets (with up to 15 signature lines per page) which would yield a potential maximum of 405 signatures submitted (27 pages times 15 lines per page = 405 signatures). As counted by the Hearing Examiner, the candidate submitted approximately 398 signatures (some pages contain less than 15 signatures).
2. The minimum number of valid signatures to appear on the ballot as an independent candidate at the General Election for the office of State Senator is 3,000.
3. The candidate submitted nominating petitions which contain at least 2,602 signatures below the minimum number required.
4. Based on the candidate submitting nominating petitions containing less than the minimum number of 3,000 signatures, the Objector's Motion for Judgment on the Pleadings should be granted.
5. Other issues raised by the Objector need not be addressed.

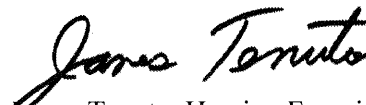
RECOMMENDATION

It is the Recommendation of the Hearing Examiner that Objector's Motion for Judgment on the Pleadings be GRANTED for the reasons set forth above. Accordingly, the name of Daniel S. Kay (Karkusiewicz) as a candidate for the office of State Senator in the 39th Legislative District at the General Election to be held on November 6, 2012, SHALL NOT BE PRINTED ON THE BALLOT.

This is a dispositive Motion which must be ruled upon by the State Officers Electoral Board.

DATED: July 18, 2012

Respectfully Submitted,


James Tenuto, Hearing Examiner

James Tenuto, Hearing Examiner
James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago, IL 60601
(312) 814-6440

CHICAGO
2012 JUL -2 PM 1:27
STATE BOARD OF ELECTIONS

OBJECTOR'S PETITION

4. Pursuant to State law, nomination papers for the Office to be voted for at the Election must contain the signatures of not fewer than 3000 duly qualified, registered and legal voters of the 39th Legislative District of the State of Illinois collected in the manner prescribed by law. In addition, nomination papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise executed in the form provided by law. The Nomination Papers purport to contain the signatures of in excess

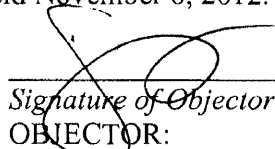
of 3000 such voters, and further purport to have been gathered, presented and executed in the manner provided by the Illinois Election Code.

5. The Nomination Papers are invalid in their entirety because the Candidate's nominating petitions contain only an insufficient number of signatures signed by qualified voters of the 39th Legislative District. The Candidate filed a total of 435 signatures. Assuming every signature on every sheet is valid, the Candidate has a maximum number of signatures on his nominating petitions of 435. As a result, the Candidate has a number of valid signatures on his nominating petitions far below the number required by law.

6. The Nomination Papers contain less than 3000 validly collected signatures of qualified and duly registered legal voters of the 39th Legislative District, signed by such voters in their own proper person with proper addresses, below the number required under Illinois law, as is set forth by the objections recorded in the Appendix-Recapitulation attached hereto and incorporated herein.

7. The Candidate voted in the Republican Party's Primary Election on March 20, 2012, and as a result, he is legally prohibited from running as an Independent in the November 6, 2012 General Election. 10 ILCS 5/7-43(f).

WHEREFORE, the Objector requests: a) a hearing on the objections set forth herein; b) an examination by the aforesaid Electoral Board of the official records relating to voters in the 39th Legislative District, to the extent that such examination is pertinent to any of the matters alleged herein; c) a ruling that the Nomination Papers are insufficient in law and fact, and d) a ruling that the name of Daniel S. Kay (Karkusiewicz) shall not appear and not be printed on the ballot for election to the office of State Senator of the 39th Legislative District of the State of Illinois, to be voted for at the General Election to be held November 6, 2012.



Signature of Objector

OBJECTOR:

Christopher P. Hartweg

Address:

1810 N. Rutherford Ave.

Chicago, Illinois 60707-3930

VERIFICATION

STATE OF ILLINOIS

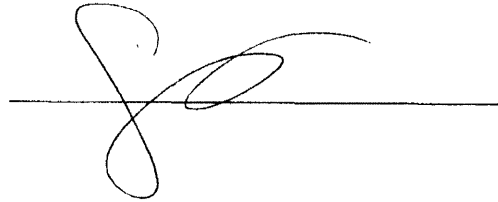
)

) SS.

COUNTY OF COOK

)

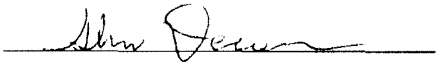
I, Christopher P. Hartweg, being first duly sworn upon oath, depose and state that I have read the above and foregoing OBJECTOR'S PETITION, and that the matters and facts contained therein are true and correct to the best of my knowledge and belief.



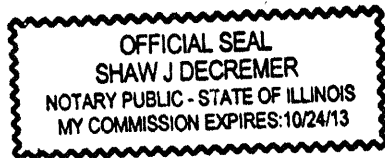
Subscribed and sworn to before me

by Christopher P. Hartweg

this 2 day of July, 2012.



Notary Public



**Uzell v. Evans
12 SOEB GE 510**

Candidate: Richard Evans

Office: 43rd Representative

Party: Constitution

Objector: Richard E. Uzzell

Attorney For Objector: Michael Kasper

Attorney For Candidate: No appearance

Number of Signatures Required: 1500

Number of Signatures Submitted:

Number of Signatures Objected to: N/A

Basis of Objection: The candidate's nomination papers contain an insufficient amount of signatures.

Dispositive Motions: N/A

Binder Check Necessary: No

Hearing Officer: Jim Tenuto

Hearing Officer Findings and Recommendation: The Objection should be sustained, based on the Candidate's failure to submit the minimum number of valid signatures necessary to appear on the ballot, and the Candidate's name should not be printed on the ballot for the November 2012 General Election.

Recommendation of the General Counsel: I concur with the recommendation of the Hearing Officer.

BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS

| | | |
|----------------------|---|----------------|
| Richard E. Uzzell | { | |
| Petitioner/Objector | { | 12 SOEB GE 510 |
| Richard Evans | { | |
| Respondent/Candidate | { | |
| | { | |
| | { | |

RECOMMENDATION OF THE HEARING EXAMINER
TO GENERAL COUNSEL

To: Steve Sandvoss, General Counsel

Objector: Michael Kasper, Attorney

Candidate: Richard Evans

ANALYSIS

1. Candidate, Richard Evans, timely filed nominating petitions for the office of State Representative in the General Assembly for the 43rd Representative District as new party candidates in the General Election to be held November 6, 2012.
2. The minimum signature requirement for a candidate filing for the office of State Representative in the 43rd Representative District is not fewer than 1,500 duly qualified registered and legal voters of said district.
3. The Objector timely filed an objection to the nominating petitions submitted by Richard Evans.
4. The basis of the Objection is that the candidate submitted less than the minimum number of signatures required for this particular office. Other issues related to the Objection were not raised.
5. The candidate was served by certified mail and a green card has been sent but hasn't been returned. A voice mail was also left for Tim Pearcy (Constitution Party Representative).
6. A Case Management Conference was held on July 9, 2012, in the branch office of the State Board of Elections. Michael Kasper filed an Appearance on behalf of the Objector. No one appeared on behalf of the candidate.
7. The following Motions were filed:
 - A. Objector's Motion for Judgment on the Pleadings.
8. The candidate has had no contact with the Hearing Examiner or any employee of the State Board of Elections.

DISCUSSION

1. A cursory examination of the candidate's nominating petition by the Hearing Examiner indicated that the petition included 6 signatures sheets (with up to 10 signature lines per page) which would yield a potential maximum of 60 signatures submitted (six pages times 10 lines per page = 60 signatures). As counted by the Hearing Examiner, the candidate submitted approximately 20 signatures (some pages contain less than 10 signatures).
2. The minimum number of valid signatures to appear on the ballot as a new party candidate at the General Election for the office of State Representative is 1,500.
3. The candidate submitted nominating petitions which contain at least 1,480 signatures below the minimum number required.
4. Based on the candidate submitting nominating petitions containing less than the minimum number of 1,500 signatures, the Objector's Motion for Judgment on the Pleadings should be granted.

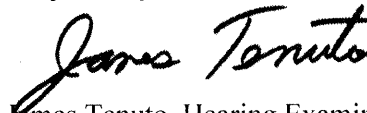
RECOMMENDATION

It is the Recommendation of the Hearing Examiner that Objector's Motion for Judgment on the Pleadings be GRANTED for the reasons set forth above. Accordingly, the name of Richard Evans as a candidate for the office of State Representative in the General Assembly in the 43rd Representative District at the General Election to be held on November 6, 2012, SHALL NOT BE PRINTED ON THE BALLOT.

This is a dispositive Motion which must be ruled upon by the State Officers Electoral Board.

DATED: July 19, 2012

Respectfully Submitted,

A handwritten signature in black ink that reads "James Tenuto". The signature is written in a cursive, flowing style.

James Tenuto, Hearing Examiner

James Tenuto, Hearing Examiner
James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago, IL 60601
(312) 814-6440

CHICAGO
2012 JUL -2 PM 1:27
STATE BOARD OF ELECTIONS

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STATE BOARD OF ELECTIONS

INTRODUCTION

1. The Objector resides at 10 Green Ridge Road, Elgin, Illinois, Zip Code 60120, in the 43rd Representative District of the State of Illinois, and is a duly qualified, legal and registered voter at that address.

OBJECTIONS

4. Pursuant to State law, nomination papers for the Office to be voted for at the Election must contain the signatures of not fewer than 1500 duly qualified, registered and legal voters of the 43rd Representative District of the State of Illinois collected in the manner prescribed by law. In addition, nomination papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise executed in the form provided by law. The Nomination Papers purport to contain the signatures

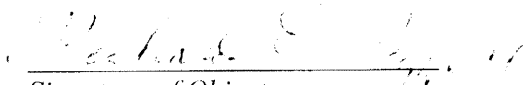
of in excess of 1500 such voters, and further purport to have been gathered, presented and executed in the manner provided by the Illinois Election Code.

5. The Nomination Papers are invalid in their entirety because the Candidate's nominating petitions contain only an insufficient number of signatures signed by qualified voters of the 43rd Representative District. The Candidate filed a total of 6 petition sheets, which contain a maximum number of signatures of 10 per page. However, only two of the pages contain any signatures, totaling 20 signatures. Therefore, assuming every signature on both sheets is valid, the Candidate has a maximum number of signatures on his nominating petitions of 20. As a result, the Candidate has a number of valid signatures on his nominating petitions far below the number required by law.

6. The Nomination Papers contain less than 1500 validly collected signatures of qualified and duly registered legal voters of the 43rd Representative District, signed by such voters in their own proper person with proper addresses, below the number required under Illinois law, as is set forth by the objections recorded in the Appendix-Recapitulation attached hereto and incorporated herein.

14. The Appendix-Recapitulation is incorporated herein, and the objections made therein are a part of this Objector's Petition.

WHEREFORE, the Objector requests: a) a hearing on the objections set forth herein; b) an examination by the aforesaid Electoral Board of the official records relating to voters in the 43rd Representative District, to the extent that such examination is pertinent to any of the matters alleged herein; c) a ruling that the Nomination Papers are insufficient in law and fact, and d) a ruling that the name of Richard Evans shall not appear and not be printed on the ballot for election to the office of Representative in the General Assembly of the 43rd Representative District of the State of Illinois, to be voted for at the General Election to be held November 6, 2012.



Signature of Objector

OBJECTOR:

Richard E. Uzzell

Address:

10 Green Ridge Road
Elgin, IL 60120

VERIFICATION

STATE OF ILLINOIS

COUNTY OF Kane

)
) SS.
)

I, Richard E. Uzzell, being first duly sworn upon oath, depose and state that I have read the above and foregoing OBJECTOR'S PETITION, and that the matters and facts contained therein are true and correct to the best of my knowledge and belief.

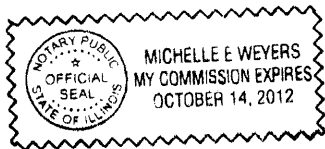
Richard E. Uzzell

Subscribed and sworn to before me

by Richard E. Uzzell

this 28th day of June, 2012.

Michelle E. Weyers
Notary Public



Douglas/Posateri v. Reyes
12 SOEB GE 511

Candidate: Eric Reyes

Office: 17th Congress

Party: Independent

Objectors: Andrew B. Douglas and Amy Posateri

Attorney For Objectors: Michael Kreloff

Attorney For Candidate: Pro se

Number of Signatures Required: 5000

Number of Signatures Submitted:

Number of Signatures Objected to: N/A

Basis of Objection: The candidate's nomination papers contain an insufficient amount of signatures.

Dispositive Motions: N/A

Binder Check Necessary: No

Hearing Officer: Jim Tenuto

Hearing Officer Findings and Recommendation: The Objection should be sustained, based on the Candidate's failure to submit the minimum number of valid signatures necessary to appear on the ballot, and the Candidate's name should not be printed on the ballot for the November 2012 General Election.

Recommendation of the General Counsel: I concur with the recommendation of the Hearing Officer.

BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS

| | | |
|-----------------------|---|----------------|
| Andrew B. Douglas and | { | |
| Amy Posterl | { | |
| Petitioner/Objector | { | 12 SOEB GE 511 |
| Eric Reyes | { | |
| Respondent/Candidate | { | |
| | { | |
| | { | |

RECOMMENDATION OF THE HEARING EXAMINER
TO GENERAL COUNSEL

To: Steve Sandvoss, General Counsel

Objector: Michael Kreloff, Attorney

Candidate: Eric Reyes, Pro Se

ANALYSIS

1. Candidate, Eric Reyes, timely filed nominating petitions for the office of Representative in Congress for the 17th Representative District as an independent candidate in the General Election to be held November 6, 2012.
2. The minimum signature requirement for a candidate filing for the office of United States Congressman as an independent candidate is not fewer than 5,000 duly qualified registered and legal voters of said district.
3. The Objector timely filed an objection to the nominating petitions submitted by Eric Reyes.
4. The basis of the Objection is that the candidate submitted less than the minimum number of signatures required for this particular office. Other issues related to the Objection were also raised.
5. The candidate, who is an attorney, filed a Pro Se appearance.
6. A Case Management Conference was held on July 9, 2012, in the branch office of the State Board of Elections. Michael Kreloff filed an Appearance on behalf of the Objector. Eric Reyes did not appear but did file an appearance on behalf of the candidate.
7. The following Motions were filed:
 - A. Objector's Motion for Summary Judgment.
 - B. Candidate's Response to Objector's Motion for Summary Judgment.

DISCUSSION

1. A cursory examination of the candidate's nominating petition by the Hearing Examiner indicated that the petition included 69 signature sheets (with up to 15 signatures per page) which would yield a potential maximum of 1,035 signatures submitted (69 page times 15 lines per page = 1,035 signatures). As counted by the Hearing Examiner, the candidate submitted approximately 890 signatures (some pages contain less than 15 signatures).
2. The minimum number of valid signatures to appear on the ballot as an independent candidate at the General Election for the office of United States Congressman is 5,000.
3. The candidate submitted nominating petitions which contain at least 4,110 signatures below the minimum number required.
4. Based on the candidate submitting nominating petitions containing less than the minimum number of 5,000 signatures, the Objector's Motion for Summary Judgment should be granted.
5. It is not necessary to address the additional issues.


RECOMMENDATION

It is the Recommendation of the Hearing Examiner that Objector's Motion for Summary Judgment be GRANTED for the reasons set forth above. Accordingly, the name of Eric Reyes as a candidate for the office of Representative in Congress in the 17th Congressional District at the General Election to be held on November 6, 2012, SHALL NOT BE PRINTED ON THE BALLOT.

This is a dispositive Motion which must be ruled upon by the State Officers Electoral Board.

DATED: July 18, 2012

Respectfully Submitted,


James Tenuto, Hearing Examiner

James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago, IL 60601
(312) 814-6440

STATE OF ILLINOIS)
) SS.
COUNTY OF ROCK ISLAND)

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING OF AND PASSING UPON OBJECTIONS
TO THE NOMINATION PAPERS FOR CANDIDATES FOR THE OFFICE OF
REPRESENTATIVE IN CONGRESS, 17th CONGRESSIONAL DISTRICT
OF THE STATE OF ILLINOIS.

IN THE MATTER OF THE OBJECTIONS OF)
ANDREW B. DOUGLAS AND AMY POSATERI TO)
THE NOMINATION PAPERS OF **ERIC REYES AS**)
A CANDIDATE FOR ELECTION TO THE OFFICE OF)
REPRESENTATIVE IN CONGRESS FOR THE 17TH)
CONGRESSIONAL DISTRICT OF THE STATE OF)
ILLINOIS TO BE VOTED UPON AT THE NOVEMBER)
6, 2012 GENERAL ELECTION.)

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STATE BOARD OF ELECTIONS

VERIFIED OBJECTOR'S PETITION

NOW COMES ANDREW B. DOUGLAS and AMY POSATERI ("Objectors"), and respectfully represents that Objector DOUGLAS resides at 12804 25th St. West, Milan, IL 61264 and Objector POSATERI resides at 3848 28th Ave., Rock Island, IL 61201, in the 17th Congressional District of the State of Illinois; that each Objector is a duly qualified, registered, and legal voter at such address; that each Objector's interest in filing the following objections is that of a citizen desirous of seeing to it that the laws governing the filing of nomination papers for independent candidates to the office of Representative in Congress in the 17th Congressional District of the State of Illinois are properly complied with and that only qualified candidates have their names appear upon the ballot as candidates for said office; and therefore each Objector makes the following objections to the nomination papers of ERIC REYES ("Candidate") as an independent candidate for election to the office of Representative in Congress in the 17th

Congressional District of the State of Illinois and states that said papers are insufficient in law and fact for the following reasons:

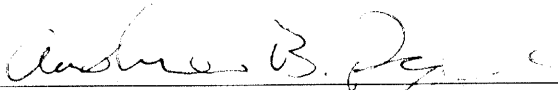
1. Illinois law requires that nomination papers for independent candidates for election to the office of Representative in Congress in the 17th Congressional District of the State of Illinois contain the signatures of not less than 5,000 duly qualified, registered and legal voters of said district.


2. The Candidate has filed 69 petition signature sheets as a part of his nomination papers containing a total of 890 lines of alleged (and undeleted) signatures of duly qualified, legal, and registered voters of the 17th Congressional District of the State of Illinois.

3. Due to the lack of an adequate number of purported signatures ever being filed, even without a review of the actual validity of the individual signatures that were filed, the Candidate has less than the statutorily required minimum of 5,000 signatures, rendering the Candidate's nomination papers insufficient and void.

4. Illinois law requires that candidates for elective office affiliate with one political party or no party whatsoever in any single election cycle. A person who voted the ballot of an established political party at a general primary election may not file a statement of candidacy as an independent candidate for a partisan office to be filled at the general election immediately following the general primary for which the person voted a party's primary ballot. See 10 ILCS 5/7-43(f)(par. 2). Candidate REYES voted a Democratic Party ballot for the March, 2012 primary election and, having freely chosen to affiliate with the Democratic Party for the 2012 election cycle, is therefore ineligible to be an independent candidate at the November 6, 2012 General Election.

WHEREFORE, each Objector prays that the Nomination Papers of ERIC REYES as an independent candidate for election to the office of Representative in Congress for the 17th Congressional District of the State of Illinois be declared by this Electoral Board to be insufficient and not in compliance with the laws of the State of Illinois and that the Candidate's name be stricken and that the Electoral Board enter its decision that the name of ERIC REYES as an independent candidate for election to the office of Representative in Congress for the 17th Congressional District of the State of Illinois be not printed on the official ballot for the General Election to be held on November 6, 2012.


OBJECTOR ANDREW B. DOUGLAS


OBJECTOR AMY POSATERI

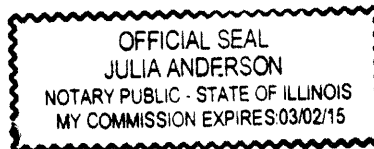
VERIFICATION

I, Andrew B. Douglas, being first duly sworn on oath, state that I have read the foregoing Verified Objector's Petition and that the statements therein are true and correct to the best of my knowledge and belief.

Andrew B. Douglas
ANDREW B. DOUGLAS, OBJECTOR

Signed and sworn to before me, by Julia Anderson,
this 28 day of June, 2012.

[Signature]
NOTARY PUBLIC

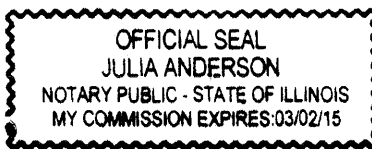


I, Amy Posateri, being first duly sworn on oath, state that I have read the foregoing Verified Objector's Petition and that the statements therein are true and correct to the best of my knowledge and belief.

Amy Posateri
AMY POSATERI, OBJECTOR

Signed and sworn to before me, by Julia Anderson,
this 28 day of June, 2012.

[Signature]
NOTARY PUBLIC



Michael Kreloff
Attorney at Law
1926 Waukegan, Suite 310
Glenview, IL 60025
847.657.1020

ATTORNEY FOR OBJECTORS

Sherman v. Clymer/Goode
12 SOEB GE 512

Candidates: Jim Clymer and Virgil Goode

Office: President and Vice President

Party: Constitution

Objector: Robert I. Sherman

Attorney For Objector: Andrew Finko

Attorney For Candidates: No appearance

Number of Signatures Required: 25000

Number of Signatures Submitted:

Number of Signatures Objected to: N/A

Basis of Objection: The candidates' nomination papers contain an insufficient amount of signatures. Objector further alleges that Candidate Clymer has failed to submit a statement of candidacy and candidates have failed to list any Presidential Electors.

Dispositive Motions: N/A

Binder Check Necessary: No

Hearing Officer: Jim Tenuto

Hearing Officer Findings and Recommendation: The Objection should be sustained, based on the Candidate's failure to submit the minimum number of valid signatures necessary to appear on the ballot, and the Candidate's name should not be printed on the ballot for the November 2012 General Election.

Recommendation of the General Counsel: I concur with the recommendation of the Hearing Officer.

BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS

| | | |
|-------------------------|---|----------------|
| Robert I. Sherman | { | |
| Petitioner/Objector | { | 12 SOEB GE 512 |
| Virgil H. Goode Jr. and | { | |
| Jim Clymer | { | |
| Respondent/Candidate | { | |
| | { | |
| | { | |

RECOMMENDATION OF THE HEARING EXAMINER
TO GENERAL COUNSEL

To: Steve Sandvoss, General Counsel

Objector: Andrew Finko, Attorney

Candidate: Virgil H. Goode Jr. and Jim Clymer

ANALYSIS

1. Candidates, Virgil H. Goode Jr. and Jim Clymer, timely filed nominating petitions for the offices of President and Vice-President of the United States as new party candidates in the General Election to be held November 6, 2012.
2. The minimum signature requirement for a candidate filing for the offices of President and Vice-President of the United States as new party candidates is not fewer than 25,000 duly qualified registered and legal voters of said district.
3. The Objector timely filed an objection to the nominating petitions submitted by Virgil H. Goode Jr. and Jim Clymer.
4. The basis of the Objection is that the candidates submitted less than the minimum number of signatures required for this particular office. Other issues related to the Objection were also raised, to wit, failure to list twenty electors.
5. The candidates were served by certified mail and a green card was signed by Goode on July 10, 2012. A green card was signed by Clymer on July 11, 2012.
6. A Case Management Conference was held on July 9, 2012, in the branch office of the State Board of Elections. Andrew Finko filed an Appearance on behalf of the Objector. No one appeared on behalf of the candidates.
7. The following Motions were filed:
 - A. Objector's Motion for Summary Judgment.
8. The candidates have had no contact with the Hearing Examiner or any employee of the State Board of Elections.

DISCUSSION

1. A cursory examination of the candidate's nominating petition by the Hearing Examiner indicated that the petition included 35 signature sheets (with up to 10 signature lines per page) which would yield a potential maximum of 350 signatures submitted (one page times 10 lines per page = 10 signatures). As counted by the Hearing Examiner, the candidate submitted approximately 301 signatures (some pages contain less than 10 signatures).
2. The minimum number of valid signatures to appear on the ballot as new party candidates at the General Election for the offices of President and Vice-President of the United States is 25,000.
3. The candidates submitted nominating petitions which contain at least 24,699 signatures below the minimum number required.
4. Based on the candidates submitting nominating petitions containing less than the minimum number of 25,000 signatures, the Objector's Motion for Summary Judgment should be granted.


RECOMMENDATION

It is the Recommendation of the Hearing Examiner that Objector's Motion for Summary Judgment be GRANTED for the reasons set forth above. Accordingly, the names of Virgil H. Goode Jr. and Jim Clymer as candidates for the offices President and Vice-President of the United States in the General Election to be held on November 6, 2012, SHALL NOT BE PRINTED ON THE BALLOT.

This is a dispositive Motion which must be ruled upon by the State Officers Electoral Board.

DATED: July 19, 2012

Respectfully Submitted,


James Tenuto, Hearing Examiner

James Tenuto, Hearing Examiner
James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago, IL 60601
(312) 814-6440

BEFORE THE DULY CONSTITUTED OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO THE
NOMINATION PAPERS OF CANDIDATES FOR OFFICES OF
PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

In the matter of:

ROBERT I. SHERMAN,

Petitioner – Objector,

v.

VIRGIL H. GOODE, JR. and,

JIM CLYMER,

Respondents – Candidates for

President of the United States and

Vice President of the United States.

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STATE BOARD OF ELECTIONS

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OBJECTOR'S PETITION

1. The Objector, Robert I. Sherman ("Objector"), resides at 778 Stone Bridge Lane, Buffalo Grove, Cook County, Illinois, and is a duly qualified and registered voter at this address.

2. The Objector's interest in filing this objection is that of a citizen desirous of seeing to it that the election laws governing the filing of nomination papers for the office of President and Vice President of the United States are properly complied with, and that only duly qualified candidates appear on the ballot at the general election to be held on November 6, 2012.

3. The Candidates, Virgil H. Goode, Jr. and Jim Clymer ("Candidates"), submitted on June 25, 2012, one set of nomination papers (comprised of thirty-eight pieces of paper in total), jointly seeking nomination as new political party candidates for President of the United States and Vice President of the United States, respectively, to be voted upon at the November 6, 2012 general election (herein referred to as the "Nomination Papers").

4. Objector states that the Candidates' Nomination Papers are factually and legally insufficient, and requests that the Candidates' names be stricken from and not be printed upon the ballot for the general election to be held on November 6, 2012, for the reasons stated herein.

5. The Election Code, at 10 ILCS 5/10-2, requires new political party candidates for President and Vice President to submit the signatures and addresses of at least 25,000 duly qualified and registered Illinois voters.

6. The Election Code, at 10 ILCS 5/10-4, mandates that petition sheets be of uniform size and appearance, be neatly fastened together, be consecutively numbered, and shall be the original sheets which have been signed by voters and by the circulator.

7. The Election Code, at 10 ILCS 5/10-1, states that Article 10 governs all nominations except those by "established political parties" and 10 ILCS 5/10-5 mandates that the nomination papers "must include a statement of candidacy for each candidate named therein, except candidates for electors for President and Vice President of the United States."

8. Candidate, Jim Clymer, has failed to submit a statement of candidacy fastened together with the Nomination Papers, and has failed to submit a sufficient number of petition sheets with signatures that purport to nominate him as a new political party candidate for Vice President of the United States.

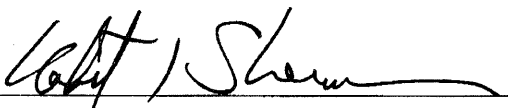
9. The Election Code, at 10 ILCS 5/2A-2 and 10 ILCS 5/21-1 requires that Candidates' nominating petitions contain the names and addresses of twenty (20) Presidential Electors.

10. Candidates' Nomination Papers do not contain the names of any electors.

11. Candidates have submitted a total of thirty-five (35) pages, each of which contains ten signature lines; although many pages are not fully completed with signatures, even if each of the 35 petition sheets contained duly qualified registered voters, Candidates could have up to 350 signatures, which is far short of the 25,000 signatures required under the Illinois Election Code.

12. Since the Candidates' Nomination Papers do not contain a sufficient number of signatures contained upon uniform, consecutively numbered and fastened together original petition sheets, and do not identify the names and addresses of Presidential Electors, and do not contain a statement of candidacy for Candidate, Jim Clymer, Candidates' Nomination Papers are legally and factually insufficient, and should be stricken.

WHEREFORE, the Objector requests the following: (a) a hearing on the objections set forth herein; (b) an examination by the aforesaid Electoral Board of the legal and factual sufficiency of the nomination papers submitted by Candidates; (c) a determination that the Candidates' Nomination Papers are legally and factually insufficient; (d) a ruling and decision that the names VIRGIL H. GOODE, JR. and JIM CLYMER, shall not be printed upon the official ballot for the offices of President of the United States and Vice President of the United States, respectively, to be voted upon at the general election to be held on November 6, 2012.


Robert I. Sherman, Objector

Attorney for Objector
Andrew Finko P.C.
P.O. Box 2249
Chicago, IL 60690-2249
Tel (773) 480-0616
Fax (773) 453-3266

County of COOK)
) ss
State of ILLINOIS)

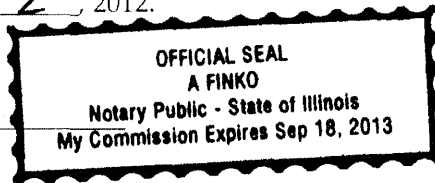
VERIFICATION

I, the undersigned Objector, being first duly sworn, certify and/or affirm that I have read the contents of the foregoing Objector's Petition, and that the factual statements contained therein are true and correct to the best of my knowledge and belief.

Robert I. Steen
OBJECTOR

Subscribed and sworn to by the above-identified
Objector before me on July 2, 2012.

A. Finko
Notary Public



Sherman v. Hawkins
12 SOEB GE 513

Candidates: Michael W. Hawkins

Office: President

Party: Together Enhancing America

Objector: Robert I. Sherman

Attorney For Objector: Andrew Finko

Attorney For Candidates: Pro se

Number of Signatures Required: 25000

Number of Signatures Submitted: 1

Number of Signatures Objected to: N/A

Basis of Objection: The candidate's nomination papers contain an insufficient amount of signatures. The candidate has violated the Election Code by filing two inconsistent sets of nomination papers, failing to slate a Vice Presidential candidate, failing to list the names and addresses of twenty Presidential Electors and failing to comply with Section 10-4's requirements.

Dispositive Motions: Candidate's Motion to Vacate Objector's Petition

Binder Check Necessary: No

Hearing Officer: Jim Tenuto

Hearing Officer Findings and Recommendation: The Objection should be sustained, based on the Candidate's failure to submit the minimum number of valid signatures necessary to appear on the ballot, and the Candidate's name should not be printed on the ballot for the November 2012 General Election.

Recommendation of the General Counsel: I concur with the recommendation of the Hearing Officer.

BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS

| | | |
|----------------------|---|----------------|
| Robert I. Sherman | { | |
| Petitioner/Objector | { | 12 SOEB GE 513 |
| Michael W. Hawkins | { | |
| Respondent/Candidate | { | |
| | { | |
| | { | |

RECOMMENDATION OF THE HEARING EXAMINER
TO GENERAL COUNSEL

To: Steve Sandvoss, General Counsel

Objector: Andrew Finko, Attorney

Candidate: Michael W. Hawkins, Pro Se

ANALYSIS

1. Candidate, Michael W. Hawkins, timely filed nominating petitions for the office of President of the United States in the General Election to be held November 6, 2012. The candidate originally filed two sets of nomination papers—one as an independent and the second set as a new political party. He subsequently withdrew the independent set.
2. The minimum signature requirement for a candidate filing for - office of President of the United States—either as an independent or new party candidate is not fewer than 25,000 duly qualified registered and legal voters of said district.
3. The Objector timely filed an objection to the nominating petitions submitted by Michael W. Hawkins.
4. The basis of the Objection is that the candidate submitted less than the minimum number of signatures required for this particular office. Other issues related to the Objection were also raised.
5. The candidate filed ten a Pro Se Appearance.
6. A Case Management Conference was held on July 9, 2012, in the branch office of the State Board of Elections. Andrew Finko filed an Appearance on behalf of the Objector. Michael Hawkins appeared Pro Se on his own behalf.
7. The following Motions were filed:
 - A. Candidate's Motion to Dismiss Objection.
 - B. Objector's Motion for Summary Judgment.

Note: There were subsequent submissions on behalf of Michael W. Hawkins. None of the submissions can be classified as “pleadings” “motions” or Response to Objector's Motion for Summary Judgment.”

DISCUSSION

1. A cursory examination of the candidate's new party nominating petition by the Hearing Examiner indicated that the petition included six signature sheets (with up to 10 signature lines per page) which would yield a potential maximum of 60 signatures submitted (one page times 10 lines per page = 10 signatures). As counted by the Hearing Examiner, the candidate submitted approximately one signature (some pages contain less than 10 signatures).
2. The minimum number of valid signatures to appear on the ballot as a new party or independent candidate at the General Election for the office of President of the United States is 25,000.
3. The candidate submitted nominating petitions which contain at least 24,999 signatures below the minimum number required.
4. Based on the candidate submitting nominating petitions containing less than the minimum number of 25,000 signatures, the Objector's Motion for Summary Judgment should be granted.

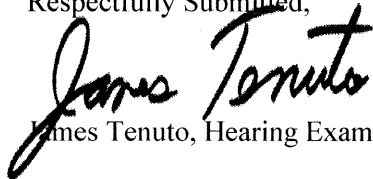
RECOMMENDATION

It is the Recommendation of the Hearing Examiner that Objector's Motion for Summary Judgment be GRANTED for the reasons set forth above. Accordingly, the name of Michael W. Hawkins as a candidate for the office President of the United States in the General Election to be held on November 6, 2012, SHALL NOT BE PRINTED ON THE BALLOT.

This is a dispositive Motion which must be ruled upon by the State Officers Electoral Board.

DATED: July 18, 2012

Respectfully Submitted,


James Tenuto, Hearing Examiner

James Tenuto, Hearing Examiner
James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago, IL 60601
(312) 814-6440

BEFORE THE DULY CONSTITUTED OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO THE
NOMINATION PAPERS OF CANDIDATES FOR OFFICES OF
PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

In the matter of:

ROBERT I. SHERMAN,

Petitioner – Objector,

v.

MICHAEL W. HAWKINS,

Respondents – Candidate for
President of the United States.

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) No. _____
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CHICAGO
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STATE BOARD OF ELECTIONS

OBJECTOR'S PETITION

1. The Objector, Robert I. Sherman ("Objector"), resides at 778 Stone Bridge Lane, Buffalo Grove, Cook County, Illinois, and is a duly qualified and registered voter at this address.

2. The Objector's interest in filing this objection is that of a citizen desirous of seeing to it that the election laws governing the filing of nomination papers for the office of President and Vice President of the United States are properly complied with, and that only duly qualified candidates appear on the ballot at the general election to be held on November 6, 2012.

3. The Candidate, Michael W. Hawkins ("Candidate"), submitted on June 25, 2012, two sets of nomination papers, one as an independent candidate and a second set as a new political party candidate, both of which sought his nomination as President of the United States to be voted upon at the November 6, 2012 general election (herein referred to as the "Nomination Papers").

4. The Candidate purportedly withdrew his nomination papers as an independent candidate; however, should that withdrawal be deemed null or void, then Objector asserts that Candidate has violated the Election Code by filing two inconsistent sets of nomination papers, and both should be stricken for failure to timely withdraw one set of nomination papers.

5. Objector states that the Candidate's Nomination Papers are factually and legally insufficient, and requests that the Candidate's name be stricken from and not be printed upon the ballot for the general election to be held on November 6, 2012, for the reasons stated herein.

6. The Election Code at 10 ILCS 5/10-3, requires independent candidates for President and Vice President to submit the signatures and addresses of at least 25,000 registered Illinois voters, and "each voter may subscribe to one nomination for such office to be filled, and no more: Provided that the name of any candidate whose name may appear in any other place upon the ballot shall not be so added by petition for the same office." Similarly, the Election Code, 10 ILCS 5/10-2, requires that new political party candidates submit a full slate of candidates, together with the signatures and addresses of at least 25,000 duly qualified and registered Illinois voters.

7. The Election Code, at 10 ILCS 5/10-4, mandates that petition sheets be of uniform size and appearance, be neatly fastened together, be consecutively numbered, and shall be the original sheets which have been signed by voters and by the circulator, and properly notarized.

8. The Election Code, at 10 ILCS 5/10-1, states that Article 10 governs all nominations except those by "established political parties" and 10 ILCS 5/10-5 mandates that the nomination papers "must include a statement of candidacy for each candidate named therein, except candidates for electors for President and Vice President of the United States."

9. Candidate has failed to nominate and submit a statement of candidacy from a Vice Presidential candidate, and has failed to submit any petition sheets that purport to nominate a Vice Presidential candidate, as required by 10 ILCS 5/10-2, 10 ILCS 5/10-4, and 10 ILCS 5/10-5.

10. Candidate's new political party Nomination Papers contain only one (1) signature of the Candidate, contained upon six (6) petition sheets, which are not consecutively numbered and fastened together, is far from the required 25,000 signatures, and legally and factually insufficient.


11. The Election Code, at 10 ILCS 5/2A-2 and 10 ILCS 5/21-1, requires that Candidate's nominating petitions contain the names and addresses of twenty (20) Presidential Electors.

12. Candidate has not listed any Presidential Electors upon any petition sheets or anywhere in his Nomination Papers, which is therefore legally and factually insufficient.

13. Since the Candidate's Nomination Papers do not contain a sufficient number of signatures contained upon uniform, consecutively numbered and fastened together original petition sheets, do not identify or contain a statement of candidacy for a Vice Presidential Candidate, and do not contain the requisite number of Presidential Electors, the Nomination Papers are legally and factually insufficient, and must be stricken.

WHEREFORE, the Objector requests the following: (a) a hearing on the objections set forth herein; (b) an examination by the aforesaid Electoral Board of the legal and factual sufficiency of the nomination papers submitted by Candidates; (c) a determination that the Candidate's Nomination Papers are legally and factually insufficient; (d) a ruling and decision that the name MICHAEL W. HAWKINS, shall not be printed upon the official ballot for the office of President of the United States, to be voted upon at the general election to be held on November 6, 2012.

Attorney for Objector
Andrew Finko P.C.
P.O. Box 2249
Chicago, IL 60690-2249
Tel (773) 480-0616
Fax (773) 453-3266


Robert I. Sherman, Objector

County of COOK)
) ss
State of ILLINOIS)

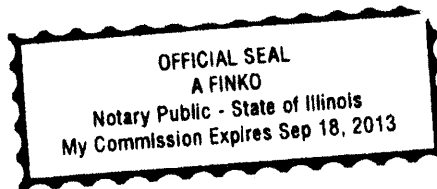
VERIFICATION

I, the undersigned Objector, being first duly sworn, certify and/or affirm that I have read the contents of the foregoing Objector's Petition, and that the factual statements contained therein are true and correct to the best of my knowledge and belief.

Scott Sherman
OBJECTOR

Subscribed and sworn to by the above-identified
Objector before me on July 2, 2012.

A Finko
Notary Public



Sherman v. Anderson/Boyd
12 SOEB GE 514

Candidates: Ross C. "Rocky" Anderson and Linda Boyd

Office: President and Vice President

Party: Independent

Objector: Robert I. Sherman

Attorney For Objector: Andrew Finko

Attorney For Candidates: No appearance

Number of Signatures Required: 25000

Number of Signatures Submitted: 2

Number of Signatures Objected to: N/A

Basis of Objection: The candidate's nomination papers contain an insufficient amount of signatures. The Objector further alleges that the candidates have violated the Election Code because Candidate Boyd has failed to submit a statement of candidacy and because the heading of the petition sheet purports to contain the signatures of "qualified voters in the City of Chicago in the County of Cook" but the two signatures on the petition are of voters that reside in Rochester and Springfield in Sangamon County.

Dispositive Motions:

Binder Check Necessary: No

Hearing Officer: Jim Tenuto

Hearing Officer Findings and Recommendation: The Objection should be sustained, based on the Candidate's failure to submit the minimum number of valid signatures necessary to appear on the ballot, and the Candidate's name should not be printed on the ballot for the November 2012 General Election.

Recommendation of the General Counsel: I concur with the recommendation of the Hearing Officer.

BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS

| | | |
|------------------------------|---|----------------|
| Robert I. Sherman | { | |
| | { | |
| Petitioner/Objector | { | 12 SOEB GE 514 |
| | { | |
| Ross C. "Rocky" Anderson and | { | |
| Linda Boyd | { | |
| Respondent/Candidate | { | |
| | { | |
| | { | |

RECOMMENDATION OF THE HEARING EXAMINER
TO GENERAL COUNSEL

To: Steve Sandvoss, General Counsel

Objector: Andrew Finko, Attorney

Candidate: Ross C. "Rocky" Anderson and Linda Boyd

ANALYSIS

1. Candidates, Ross C. "Rocky" Anderson and Linda Boyd, timely filed nominating petitions for the offices of President and Vice-President of the United States as independent candidates in the General Election to be held November 6, 2012.
2. The minimum signature requirement for a candidate filing for the offices of President and Vice-President of the United States as independent candidates is not fewer than 25,000 duly qualified registered and legal voters of said district.
3. The Objector timely filed an objection to the nominating petitions submitted by Ross C. "Rocky" Anderson and Linda Boyd.
4. The basis of the Objection is that the candidates submitted less than the minimum number of signatures required for this particular office. Other issues related to the Objection were not raised.
5. The candidates were served by certified mail and green cards have yet to be returned. A voice mail was left with Guy McCoy on July 3, 2012, at 11:00 a.m. on behalf of Anderson and Boyd. A voice mail was also left with Nancy Vien-Karter at 11:15 a.m. on behalf of Anderson and Boyd.
6. A Case Management Conference was held on July 9, 2012, in the branch office of the State Board of Elections. Andrew Finko filed an Appearance on behalf of the Objector. No one appeared on behalf of the candidate.
7. The following Motions were filed:
 - A. Objector's Motion for Summary Judgment.
8. The candidates have had no contact with the Hearing Examiner or any employee of the State Board of Elections.

DISCUSSION

1. A cursory examination of the candidate's nominating petition by the Hearing Examiner indicated that the petition included one signature sheet (with up to 10 signature lines per page) which would yield a potential maximum of 15 signatures submitted (one page times 10 lines per page = 10 signatures). As counted by the Hearing Examiner, the candidate submitted approximately two signatures (some pages contain less than 10 signatures).
2. The minimum number of valid signatures to appear on the ballot as independent candidates at the General Election for the offices of President and Vice-President of the United States is 25,000.
3. The candidate submitted nominating petitions which contain at least 24,998 signatures below the minimum number required.
4. Based on the candidate submitting nominating petitions containing less than the minimum number of 25,000 signatures, the Objector's Motion for Summary Judgment should be granted.

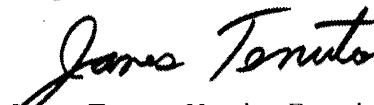
RECOMMENDATION

It is the Recommendation of the Hearing Examiner that Objector's Motion for Summary Judgment be GRANTED for the reasons set forth above. Accordingly, the name of Ross C."Rocky" Anderson and Linda Boyd as candidates for the offices President and Vice-President of the United States in the General Election to be held on November 6, 2012, SHALL NOT BE PRINTED ON THE BALLOT.

This is a dispositive Motion which must be ruled upon by the State Officers Electoral Board.

DATED: July 19, 2012

Respectfully Submitted,


James Tenuto, Hearing Examiner

James Tenuto, Hearing Examiner
James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago, IL 60601
(312) 814-6440

CHICAGO
2012 JUL -2 PM 3:55
STATE BOARD OF ELECTIONS

Respondents – Candidates for)
President of the United States and)
Vice President of the United States.)

OBJECTOR'S PETITION

size and appearance with numbered lines, be neatly fastened together, be consecutively numbered, and shall be the original sheets which have been signed by voters and by the circulator.

7. The Election Code, at 10 ILCS 5/10-1, states that Article 10 governs all nominations except those by "established political parties" and 10 ILCS 5/10-5 mandates that the nomination papers "must include a statement of candidacy for each candidate named therein, except candidates for electors for President and Vice President of the United States."

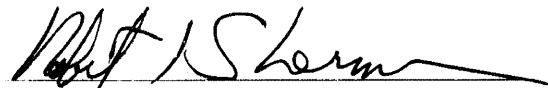
8. Candidate, Linda Boyd, has failed to submit a statement of candidacy fastened together with the Nomination Papers, and has failed to submit any petition sheets that purport to nominate her as an independent candidate for Vice President of the United States.

9. Candidates have submitted a total of two (2) signatures, contained upon one (1) petition sheet which are not consecutively numbered and fastened together, which fails to identify the State and County in which the circulator purportedly signed the petition sheet before a notary public, and is far short of the 25,000 signatures required under the Illinois Election Code.

10. In addition, the nomination language at the top of the petition sheet submitted by Candidates purports to contain the signatures of "...qualified voters in the City of Chicago in the County of Cook..." but the two signatures both purportedly labeled line "1" state that the voters reside in Rochester and Springfield, Sangamon County, and not in Chicago, Cook County, Illinois.

11. Since the Candidates' Nomination Papers do not contain a sufficient number of valid and duly qualified signatures contained upon uniform, consecutively numbered and fastened together original petition sheets with other defects, and do not contain a statement of candidacy for Candidate, Linda Boyd, Candidates' Nomination Papers are legally and factually insufficient, and should be stricken.

WHEREFORE, the Objector requests the following: (a) a hearing on the objections set forth herein; (b) an examination by the aforesaid Electoral Board of the legal and factual sufficiency of the nomination papers submitted by Candidates; (c) a determination that the Candidates' Nomination Papers are legally and factually insufficient; (d) a ruling and decision that the names ROSS C. "Rocky" ANDERSON and LINDA BOYD, shall not be printed upon the official ballot for the offices of President of the United States and Vice President of the United States, respectively, to be voted upon at the general election to be held on November 6, 2012.



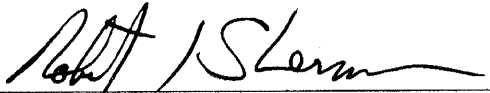
Robert I. Sherman, Objector

Attorney for Objector
Andrew Finko P.C.
P.O. Box 2249
Chicago, IL 60690-2249
Tel (773) 480-0616
Fax (773) 453-3266

County of COOK)
) ss
State of ILLINOIS)

VERIFICATION

I, the undersigned Objector, being first duly sworn, certify and/or affirm that I have read the contents of the foregoing Objector's Petition, and that the factual statements contained therein are true and correct to the best of my knowledge and belief.



OBJECTOR

Subscribed and sworn to by the above-identified
Objector before me on June 18, 2013.



Notary Public

OFFICIAL SEAL
A FINKO
Notary Public - State of Illinois
My Commission Expires Sep 18, 2013

Sherman v. Alexander/Mendoza
12 SOEB GE 515

Candidates: Stewart Alexander and Alex Mendoza

Office: President and Vice President

Party: Socialist Party USA

Objector: Robert I. Sherman

Attorney For Objector: Andrew Finko

Attorney For Candidates: No appearance

Number of Signatures Required: 25000

Number of Signatures Submitted: 1

Number of Signatures Objected to: N/A

Basis of Objection: The candidate's nomination papers contain an insufficient amount of signatures. The Objector further alleges that the candidates have violated the Election Code because the candidates failed to list the names and addresses of twenty Presidential Electors and failed to attach a certificate stating the names and addresses of the party officers authorized to fill vacancies in nomination.

Dispositive Motions:

Binder Check Necessary: No

Hearing Officer: Jim Tenuto

Hearing Officer Findings and Recommendation: The Objection should be sustained, based on the Candidate's failure to submit the minimum number of valid signatures necessary to appear on the ballot, and the Candidate's name should not be printed on the ballot for the November 2012 General Election.

Recommendation of the General Counsel: I concur with the recommendation of the Hearing Officer.

BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS

| | | |
|-----------------------|---|----------------------|
| Robert I. Sherman | { | |
| Petitioner/Objector | { | 12 SOEB GE 515 |
| Stewart Alexander and | { | |
| Alex Mendoza | { | Respondent/Candidate |
| | { | |
| | { | |

RECOMMENDATION OF THE HEARING EXAMINER
TO GENERAL COUNSEL

To: Steve Sandvoss, General Counsel

Objector: Andrew Finko, Attorney

Candidate: Stewart Alexander and Alex Mendoza

ANALYSIS

1. Candidate, Stewart Alexander and Alex Mendoza, timely filed nominating petitions for the offices of President and Vice-President of the United States as new party candidates in the General Election to be held November 6, 2012.
2. The minimum signature requirement for a candidate filing for the offices of President and Vice-President of the United States as new party candidates is not fewer than 25,000 duly qualified registered and legal voters of said district.
3. The Objector timely filed an objection to the nominating petitions submitted by Stewart Alexander and Alex Mendoza.
4. The basis of the Objection is that the candidates submitted less than the minimum number of signatures required for this particular office. Other issues related to the Objection were raised, to wit the failure to list a complete list of electors and the failure to list party officers to fill vacancies.
5. The candidates were served by certified mail and green cards were mailed. The green cards have yet to be returned.
6. A Case Management Conference was held on July 9, 2012, in the branch office of the State Board of Elections. Andrew Finko filed an Appearance on behalf of the Objector. No one appeared on behalf of the candidate.
7. The following Motions were filed:
 - A. Objector's Motion for Summary Judgment.
8. The candidate has had no contact with the Hearing Examiner or any employee of the State Board of Elections.

DISCUSSION

1. A cursory examination of the candidate's nominating petition by the Hearing Examiner indicated that the petition included one signature sheets (with up to 15 signature lines per page) which would yield a potential maximum of 15 signatures submitted (one page times 10 lines per page = 15 signatures). As counted by the Hearing Examiner, the candidate submitted approximately one signature (some pages contain less than 15 signatures).
2. The minimum number of valid signatures to appear on the ballot as a new party candidate at the General Election for the offices of President and Vice-President of the United States is 25,000.
3. The candidate submitted nominating petitions which contain at least 24,999 signatures below the minimum number required.
4. Based on the candidate submitting nominating petitions containing less than the minimum number of 25,000 signatures, the Objector's Motion for Summary Judgment should be granted.

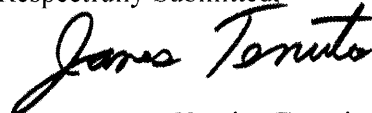
RECOMMENDATION

It is the Recommendation of the Hearing Examiner that Objector's Motion for Summary Judgment be GRANTED for the reasons set forth above. Accordingly, the name of Stewart Alexander and Alex Mendoza as candidates for the offices President and Vice-President of the United States in the General Election to be held on November 6, 2012, SHALL NOT BE PRINTED ON THE BALLOT.

This is a dispositive Motion which must be ruled upon by the State Officers Electoral Board.

DATED: July 19, 2012

Respectfully Submitted,

A handwritten signature in black ink that reads "James Tenuto". The signature is written in a cursive, flowing style.

James Tenuto, Hearing Examiner

James Tenuto, Hearing Examiner
James R. Thompson Center
100 West Randolph, Suite 14-100
Chicago, IL 60601
(312) 814-6440

CHICAGO
2012 JUL -2 PM 3:53
STATE BOARD OF ELECTIONS

ROBERT I. SHERMAN,

V.

Vice President of the United States.

7. Candidates have submitted a total of one (1) signature, contained on Sheet No. 1 of the Nomination Papers, of Arthur Z. Kazur, who also circulated that same sheet, and is also one of two Presidential Electors seeking nomination, which were not fastened together, and are legally and factually insufficient.

8. The Election Code, at 10 ILCS 5/2A-2 and 10 ILCS 5/21-1 requires that Candidates' nominating petitions contain the names and addresses of twenty (20) Presidential Electors.

9. Candidates have listed only two Presidential Electors upon petition sheet no. 1, Janet Miller and Arthur S. Kazar, but have not identified eighteen additional electors.

10. The Election Code, at 10 ILCS 5/10-5 and 10 ILCS 5/10-11, requires new political party Nomination Papers must have attached thereto a certificate stating the names and addresses of the party officers authorized to fill vacancies in nomination, or the right to fill vacancies is forfeited.

11. Candidates have not submitted a certificate stating the names and addresses of party officers, and have forfeited their right to fill vacancies.

12. Since the Candidates' Nomination Papers do not contain a sufficient number of signatures and addresses of voters contained upon uniform, consecutively numbered and fastened together original petition sheets, and do not contain the requisite number of Presidential Electors, Candidates' Nomination Papers are legally and factually insufficient, and must be stricken.

WHEREFORE, the Objector requests the following: (a) a hearing on the objections set forth herein; (b) an examination by the aforesaid Electoral Board of the legal and factual sufficiency of the nomination papers submitted by Candidates; (c) a determination that the Candidates' Nomination Papers are legally and factually insufficient; (d) a ruling and decision that the names STEWART ALEXANDER and ALEX MENDOZA, shall not be printed upon the official ballot for the offices of President of the United States and Vice President of the United States, respectively, to be voted upon at the general election to be held on November 6, 2012.



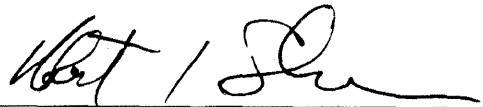
Robert I. Sherman, Objector

Attorney for Objector
Andrew Finko P.C.
P.O. Box 2249
Chicago, IL 60690-2249
Tel (773) 480-0616
Fax (773) 453-3266

County of COOK)
) ss
State of ILLINOIS)

VERIFICATION

I, the undersigned Objector, being first duly sworn, certify and/or affirm that I have read the contents of the foregoing Objector's Petition, and that the factual statements contained therein are true and correct to the best of my knowledge and belief.



OBJECTOR

Subscribed and sworn to by the above-identified
Objector before me on July 2, 2012.


Notary Public



**BEFORE THE STATE BOARD OF ELECTIONS
OF THE STATE OF ILLINOIS**

In the Matter of:

Tim Storm and Brian Eck
Objector

vs.

John Hartman
Candidate

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Board File#: 12 SOEB GP 506

RECOMMENDATION

This cause coming to be heard on the Objector's Request for the issuance of subpoenas, and, after reviewing the Candidate's Response, your Hearing Officer makes the following recommendations to the Board:

In the instant case, the Candidate has attached affidavits in support of his Motion to Strike the Objector's petition. It is only fundamentally fair, therefore, to allow the Objector an opportunity to cross examine the affiants about the content of his/her affidavits.

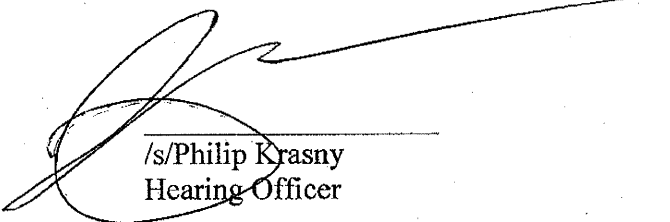
The Candidate's objection to the issuance of the subpoenas because the Objector has failed to establish a good faith underlying factual basis for raising certain objections can be reviewed at the hearing presently scheduled for Wednesday, July 25, 2012 at 10:30 at the Chicago SBOE office

Accordingly, based upon the above,

1) It is recommended that the Board issue subpoenas for those affiants whose affidavits the Candidate attached to his Motion to Dismiss

2). It is not recommended that the Board issue a subpoena for the appearance of Macall Twaddle, since his affidavit was not submitted as part of his Motion to Strike and the Objector has failed to establish any good faith basis for issuing the subpoena other than as *possibly* refuting the affidavit of the Candidate, whose affidavit attached to his Motion to Strike referenced Mr. Twaddle.

July 19, 2012


/s/Philip Krasny
Hearing Officer

LAW OFFICE OF JOHN FOGARTY, JR.
4043 North Ravenswood, Suite #226
Chicago, IL 60613
(773) 549-2647 (phone)
(773) 681-7147 (fax)
www.fogartylawoffice.com

July 16, 2012

Via E-mail

Mr. Philip Krasny
Illinois State Board of Elections
100 West Randolph, Suite 14-100
Chicago, Illinois 60601

Re: *Storm, Eck v. Hartman*, 12 SOEB GE 506

Dear Mr. Krasny:

I respectfully request the Board's consideration of the enclosed subpoenas. Pursuant to Rule 8 of the Rules of Procedure adopted by the State Officers Electoral Board on July 9, 2012, attached please find a copy of each subpoena the Objectors propose to issue in this matter.

Subpoenas Seeking Information Relevant To Paragraph 16 Of The Objectors' Petition

In addition to making line-by-line signature objections, in Paragraph 16 of the Objectors' Petition, the Objectors allege that certain of the Candidate's circulators did not personally appear before a notary to swear their circulator affidavits. This objection is made with respect to petition page numbers 771-790, and 824. The circulators of those pages are Jane Twaddle, Macall Twaddle, Sarah Ferguson, and Ann Stolte, and the notaries for those pages are Tamara Brown and Kimberlee Zimmerman. The Objectors therefore seek subpoenas for Jane Twaddle, Macall Twaddle, Sarah Ferguson, Ann Stolte, Tamara Brown and Kimberlee Zimmerman. These proposed subpoenas seek to obtain information that is relevant to the allegations contained in Paragraph 16 of the Objectors' Petition.

Subpoenas Seeking Information Relevant To Paragraph 18 Of The Objectors' Petition

As well, in Paragraph 18 of the Objectors' Petition, the Objectors allege that certain of the Candidate's circulators were not the true circulators of the petition sheets they allege to have circulated. This objection is made with respect to those pages purportedly circulated by the Candidate and by Donda Reid.

The Objectors therefore propose to issue a subpoena to the Candidate, John Hartman. To the extent a Notice to Produce will suffice to compel the appearance of the Candidate (and thus obviate the need for a subpoena), the Objectors will also serve the Candidate with a Notice to

Produce. In support of his candidacy, the Candidate has submitted 520 petition sheets, containing in excess of 5,000 signatures that the Candidate claims to have personally obtained. The Objectors have alleged that the Candidate did not personally obtain all of the signatures he claims, and this proposed subpoena seeks to obtain information that is relevant to this allegation.

The Objectors likewise propose to issue a subpoena to Donda Reid. Ms. Reid has submitted 114 petition sheets, containing in excess of 1,000 signatures that Ms. Reid claims to have personally obtained. In support of his Motion to Strike the Objectors' Petition, the Candidate submitted an affidavit in which he asserts that he paid Ms. Reid to collect petition signatures on his behalf. The Objectors have alleged that Ms. Reid did not personally obtain all of the signatures she claims, and this proposed subpoena seeks to obtain information that is relevant to this allegation.

The Objectors propose to issue a subpoena to Sam Stolte. In support of his Motion to Strike the Objectors' Petition, the Candidate submitted an affidavit in which he asserts that he collected petition signatures with Mr. Stolte on four separate dates. This proposed subpoena seeks information relevant to the allegations contained in Paragraph 18 of the Objectors' Petition.

The Objectors propose to issue a subpoena to Bianca Sanders. In support of his Motion to Strike the Objectors' Petition, the Candidate submitted an affidavit in which he asserts that he collected petition signatures with Ms. Sanders on one occasion, and accepted petitions from her on another occasion. This proposed subpoena seeks information relevant to the allegations contained in Paragraph 18 of the Objectors' Petition.

The Objectors propose to issue a subpoena to Karolina Maslanka. In support of his Motion to Strike the Objectors' Petition, the Candidate submitted an affidavit in which he asserts that he collected petition pages from Ms. Maslanka on June 20th. This proposed subpoena seeks information relevant to the allegations contained in Paragraph 18 of the Objectors' Petition.

The Objectors propose to issue a subpoena to Sean Cavanagh. In support of his Motion to Strike the Objectors' Petition, the Candidate submitted an affidavit in which he asserts that he collected petition signatures with Mr. Cavanaugh on at least two different dates. This proposed subpoena seeks information relevant to the allegations contained in Paragraph 18 of the Objectors' Petition.

The Objectors propose to issue a subpoena to Chase Plasencia. In support of his Motion to Strike the Objectors' Petition, the Candidate submitted an affidavit in which he asserts that he collected petition signatures with Mr. Plasencia on at least two different dates. This proposed subpoena seeks information relevant to the allegations contained in Paragraph 18 of the Objectors' Petition.

The Objectors propose to issue a subpoena to Mike Hartman. In support of his Motion to Strike the Objectors' Petition, the Candidate submitted an affidavit in which he asserts that he collected petition signatures with Mr. Hartman on at least one occasion. This proposed subpoena

seeks information relevant to the allegations contained in Paragraph 18 of the Objectors' Petition.

The Objectors propose to issue a subpoena to Paul Graves. In support of his Motion to Strike the Objectors' Petition, the Candidate submitted an affidavit in which he asserts that he collected petition signatures with Mr. Graves on at least one occasion. This proposed subpoena seeks information relevant to the allegations contained in Paragraph 18 of the Objectors' Petition.

The Objectors propose to issue a subpoena to Richard Klarmer. In support of his Motion to Strike the Objectors' Petition, the Candidate submitted an affidavit in which he asserts that he collected petition signatures with Mr. Graves on at least one occasion. This proposed subpoena seeks information relevant to the allegations contained in Paragraph 18 of the Objectors' Petition.

The Objectors would also propose to issue a subpoena to Macall Twaddle in connection with signatures gathered by Mr. Twaddle and by the Candidate. (As set forth above, Mr. Twaddle's testimony is also sought in connection with allegations made in Paragraph 16 of the Objectors' Petition.) In support of his Motion to Strike the Objectors' Petition, the Candidate submitted an affidavit in which he asserts that he collected petition signatures with Mr. Twaddle on at least one occasion. This proposed subpoena seeks information relevant to the allegations contained in Paragraph 18 of the Objectors' Petition.

Thank you for your consideration. The Objectors respectfully request the issuance of the aforesaid subpoenas, and respectfully reserve the right to request the issuance of additional discovery requests, should the circumstances call for it, pursuant to Rule 8 of the adopted Rules of Procedure. Please note that each of these subpoenas calls for testimony to be given at the State Board of Elections Office in Chicago. However, the Objectors will gladly amend these subpoenas to make them returnable in Springfield, if more convenient for the witnesses and for the Board.

Sincerely,

/s/ **John G. Fogarty, Jr.** /s/

John G. Fogarty, Jr.

cc: Andy Finko

BEFORE THE STATE BOARD OF ELECTIONS
SITTING AS THE DULY AUTHORIZED
STATE OFFICERS ELECTORAL BOARD

| | | |
|--------------------------|---|----------------------|
| In the Matter of: |) | |
| TIM STORM and BRIAN ECK, |) | |
| |) | |
| Petitioners-Objectors, |) | |
| |) | |
| v. |) | No. 12 SOEB GE - 506 |
| |) | |
| JOHN HARTMAN, |) | |
| Respondent-Candidate. |) | |

Response to Objectors' Request for Subpoenas

Candidate, JOHN HARTMAN, through counsel, responds to and opposes Objectors' request for issuance of fifteen (15) subpoenas *duces tecum*, and requests that Objectors' request for subpoenas be denied, or in the alternative, only subpoenas *duces tecum* (for documents only and upon payment of the requisite witness fee), be permitted to a limited number of witnesses, for the following reasons.

A. Introduction.

Section 10-8 requires an objector to have some basis (and evidence) upon which to file an objector's petition, rather than merely raising blanket, boiler-plate allegations and burdening the Electoral Board and candidates with "discovery" to inquire if the Election Code was indeed complied with, as evidenced by the duly notarized nomination papers that were submitted. On their face, Candidate's nomination papers do not, on their face, identify any defects that would require an evidentiary hearing compelling the attendance of at least *fifteen* witnesses.

The Objectors in this matter knew, or should have known before filing their verified Objectors' Petition, the specific bases upon which they asserted their verified, under oath

objections. Objectors should, at a minimum, be expected to offer proof, or some shred of support, as to why **FIFTEEN** witnesses are necessary to prove their case in chief – particularly when many of the witnesses were not even known to the Objectors when they filed their Objectors' Petition.

Objectors' response to the Candidate's Motion to Strike confirms that Objectors do not have one independent shred of evidence to support their verified, under oath Objectors' Petition. Of note is the Objectors' exuberant, "a-ha!" argument based solely upon Candidate's journal, arguing that somehow Candidate improperly circulated petitions with other people. As discussed in Candidate's Reply brief, this is not the case, nor even true – indeed, Candidate personally gathered all of his own signatures on petition sheets that he signed, as stated in both his circulator's affidavits, and his separate affidavit. Even presuming Objectors' argument, it is not at all improper for a circulators to work together, based upon the *Andrade* and *Moscardini* decisions.

The very wide net being cast by Objectors through their request for *fifteen* subpoenas confirms their strategy – and the bad faith nature of their allegations – beyond a doubt.

Therefore, Candidate requests that the Board deny the Objectors' request for issuance of subpoenas *duce tecum*, as this request is nothing more than a wholly unsupported, random net thrown to see what Objectors' counsel can discover through his skill at interrogation. The request does nothing more than harass, inconvenience and greatly burden Candidate's circulators and notaries (many of whom are related to Candidate), all of whom would confirm what is stated on the documents that bear their names.

B. Technical Defects

The Objectors seek to issue fifteen subpoenas *duces tecum*, to persons who circulated or notarized Candidate's petition signature sheets, none of whom reside anywhere near Chicago, Illinois, some of whom are in Indiana, and some of whom are in the St. Louis, Missouri area clear across the state.

The subpoenas are captioned and identified as subpoenas *duces tecum*, which by definition, are subpoenas for documents only. Yet, Objectors do not identify with specificity what documents they seek, nor how such documents will support their verified, under oath allegations. The subpoenas *duces tecum* are overly broad and vague.

The subpoenas *duces tecum* do not identify the amount that the Objectors intend to pay to witnesses, for their witness fee, and mileage or travel expenses, such as train or bus, for college students without cars, plus hotel for witnesses traveling across the State. The proof of service is blank. Many of the witnesses would require payment in advance, to make arrangements to take at least one or two days off from work or school. This is a material defect in all subpoenas *duces tecum* requested by Objectors, as required by Supreme Court Rule 204(a) (2), which states, "A deponent shall respond to any lawful subpoena of which the deponent has actual knowledge, *if payment of the fee and mileage has been tendered.*"

C. Insufficient Bases.

Objectors' counsel's request for issuance of fifteen subpoenas identifies people that were involved in Candidate's campaign – based upon information contained in the petition signature sheets, or obtained from Candidate in his motion to strike. However, the Objectors' request fails to sufficiently support the request for issuance of subpoenas, nor explain why the Objectors

believe that the witnesses would offer any support for their as-yet unsupported Objectors' Petition.

Objectors have offered no independent information, or bases, in support of their Objectors' Petition, nor more than speculation regarding witnesses' testimony, which Objectors knew or should have known, prior to filing their Objectors' Petition. That is, all of the witnesses sought are favorable to, and supporters, of Candidate.

It is appropriate for an Electoral Board to consider the reasonableness of the Objectors' request for issuance of subpoenas *duces tecum*, as well as the relevance of the information sought. Specifically, the Wiseman court addressed the denial of an electoral board's request to issue subpoenas, as follows:

The scope of our review of the Electoral Board's refusal to issue requested subpoenas is limited in two respects. First, in *Illinois Crime Investigating Comm. v. Buccieri*, 36 Ill.2d 556, 224 N.E.2d 236, it was held that judicial review of the issuance of administrative subpoenas is limited to a consideration of: 1) the constitutionality of the statute; 2) whether the contemplated agency proceedings are included within the statutory authority; 3) the reasonableness of the demand; and 4) the relevance of the information sought. We believe that this standard is equally applicable to judicial review of the denial of administrative subpoenas. Second, as a reviewing court, we should not substitute our judgment of relevancy and reasonableness for that of the Electoral Board, but should reverse only upon a finding that the denials of subpoenas were so prejudicially erroneous as to deprive plaintiff of Due Process of Law.

Wiseman v. Elward, 5 Ill.App.3d 249, 254, 283 N.E.2d 282, 287 (1972).

Objectors have not, in their request for issuance of subpoenas *duces tecum*, identified any specific reason why they believe the witnesses would support the allegations in their Objectors' petition. That is, they do not identify any factual basis (ie witness in the hospital, witness out of the country, witness deceased, et al.), upon which the witness would be expected to contradict what is already in the record.

D. Harassment, Inconvenience.

The request for fifteen subpoenas is not reasonable, and would greatly harass and inconvenience Candidate's volunteers and campaign supporters. Many are out of state, and would have to travel great distances (e.g., from downstate or St. Louis, MO), to testify. There has been no information provided by Objectors regarding the anticipated content of their testimony, no affidavits from witnesses who are expected to testify that there was some fraud, or some impropriety, in the circulation of Candidate's nomination papers. On the contrary, all of the information provided in the Objectors' request is information that was not known to Objectors when they filed their Objectors' Petition, or plainly stated in the nomination papers.

Some of the witnesses being subpoenaed are family members of Candidate, some are college students, some are paid petitioners. Although they volunteered or provided petitioning services to Candidate, none of them would appreciate taking one or two days from their work schedules to travel to Chicago (or Springfield, which would greatly inconvenience Candidate's attorney), to corroborate what is already confirmed through documents. Much, if not all, of the information that Objectors allege could, and should, have been procured through affidavits, rather than to inconvenience and burden fifteen of Candidate's supporters.

Candidate offers the following affidavits in opposition of Objectors' request: affidavits of Candidate and Donda Reid (attached to motion to strike), Ann Stolte, Michael Hartman and Paul Graves, attached.

E. Alternative Relief.

Candidate would be agreeable to permitting a limited number of subpoenas *duces tecum* (documents only) to be issued, provided that (a) the number of subpoenas *duces tecum* is a

reasonable number, (b) that the document request be restricted to specific documents, and (c) that the subpoenas *duces tecum* specifically state the dollar sum that will be paid to witnesses for their witness fee and mileage (or postage).

WHEREFORE, Candidate, through counsel, respectfully requests that Objectors' request for subpoenas *duces tecum* be denied, or in the alternative, greatly restricted to issuance of subpoenas *duces tecum*, as requested for documents only, to a limited number of witnesses.



Andrew Finko

Andrew Finko
Attorney at Law
P.O. Box 2249
Chicago, IL 60690-2249
Tel: (773) 480-0616 (cell)
Fax: (773) 453-3266
Email: Green.Attorney@yahoo.com

Notice of Filing and Certificate of Service

The undersigned, an attorney, certifies that he filed and served a copy of the Candidate's Response to Objectors' Request for Subpoenas, at or before 5:00 pm on Wednesday, July 18, 2012, via email delivery to:

John Fogarty, Objector's attorney, at fogartyjr@gmail.com
Philip Krasny, SOEB hearing examiner, at philipkrasny@yahoo.com
Steve Sandvoss, ISBE General Counsel, at ssandvoss@elections.il.gov



Andrew Finko

THE LAW FIRM OF
KATZ, HUNTOON & FIEWEGER, P.C.

DALE G. HAAKE*
FRANK L. NOWINSKI*
STEPHEN T. FIEWEGER*
JOHN F. DOAK*
THOMAS E. CADY*
ERIE D. JOHNSON*
W. MATTHEW HAYS*
WILLIAM P. LAIRD*
BRENT D. BOGEN*
TERRY T. STRATTON*†

1000 - 36TH AVENUE
P.O. BOX 950
MOLINE, IL 61266-0950

309-797-3000: VOICE
309-797-2167: FAX

OF COUNSEL
MARTIN H. KATZ
FRANK R. EDWARDS

PETER C. FIEWEGER
RETIRED

H. KARL HUNTOON
1949-2011

*ALSO LICENSED IN IOWA
†ALSO LICENSED IN CALIFORNIA

July 11, 2012

OUR FILE:

Lisa Madigan
Attorney General
State of Illinois
500 South Second Street
Springfield, IL 62706

RECEIVED

JUL 17 2012

Mark Senko
Rock Island County State's Attorney
210 - 15th Street
Rock Island, IL 61201

ATTORNEY GENERAL


Re: Notice of Claim of Unconstitutionality

Dear Attorney General Madigan and State's Attorney Senko:

Pursuant to Supreme Court Rule 19, you are hereby notified that a cause or proceeding in which the constitutionality of a statute, ordinance, administrative regulation or other law affecting the public interest is raised. On today's date, I am filing a Petition for Judicial Review, a copy of which is enclosed herewith, part of which Petition for Judicial Review claims that 10 ILCS 5/7-43(f) is unconstitutional either in its application to this cause or in its entirety. The petitioner asserts in this cause of action that the statute affects constitutional rights to ballot access, voting rights, and that the manner and/or application of the statute to this case raises significant equal protection, procedural due process and substantive due process claims in addition to voting rights issues. A copy of the Petition for Judicial Review is enclosed herewith.

Sincerely,

KATZ, HUNTOON & FIEWEGER, P.C.


John F. Doak
Attorneys for Douglas S. Strand, Petitioner
jdoak@katzlawfirm.com

JFD/eas
encl.
s:\JFD\Strand\Ltr Madigan-Senko

IN THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT
ROCK ISLAND COUNTY, ILLINOIS
GENERAL DIVISION

DOUGLAS L. STRAND,

Petitioner,

vs.

VIRGIL DUEYSEN,

Objector,

ROCK ISLAND COUNTY ELECTORAL
BOARD, a/k/a COUNTY OFFICERS
ELECTORAL BOARD, KAREN KINNEY
Chairperson and in her official capacity
as Rock Island County Clerk,
HEIDI WELLER, Member, and in her
official capacity as Assistant State's
Attorney designated by the State's
Attorney for purposes of the Rock Island
County Electoral Board, MARK SENKO,
Member of the Rock Island County
Electoral Board and in his official capacity
as State's Attorney, and LISA BIERMAN,
Member of the Rock Island County
Electoral Board and in her official capacity
as Clerk of the Circuit Court,

Respondents.

No.

12 MR 706

FILED in the CIRCUIT COURT
OF ROCK ISLAND COUNTY
GENERAL DIVISION

JUL 11 2012

David L. Sumner
Clerk of the Circuit Court

NOTICE OF COMPLIANCE WITH SUPREME COURT RULE 19

Douglas L. Strand, petitioner, by and through his attorneys, Katz, Huntoon & Fieweger, P.C. and pursuant to Supreme Court Rule 19 asserts that the petitioner has complied with Supreme Court 19 in providing notice to Attorney General Lisa Madigan and Rock Island County State's Attorney Mark Senko, that the Petition for Judicial Review may involve the constitutionality, either as applied, or in total, of 10 ILCS 5/7-43(f). A copy of the letter putting

the parties on notice is attached hereto as Exhibit A, but a copy of the Petition for Judicial Review is not attached as an additional exhibit as same will already be a matter of record in this cause.

DOUGLAS L. STRAND, Petitioner

By: 

John F. Doak

For:
KATZ, HUNTOON & FIEWEGER, P.C.
Attorneys for Petitioner
1000 - 36th Avenue
Moline, IL 61265-7126
Telephone: 309-797-3000
Fax: 309-797-2167

IN THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT
ROCK ISLAND COUNTY, ILLINOIS
GENERAL DIVISION

DOUGLAS L. STRAND,

Petitioner,

vs.

VIRGIL DUEYSEN,

Objector,

ROCK ISLAND COUNTY ELECTORAL)
BOARD, a/k/a COUNTY OFFICERS)
ELECTORAL BOARD, KAREN KINNEY)
Chairperson and in her official capacity)
as Rock Island County Clerk,)
HEIDI WELLER, Member, and in her)
official capacity as Assistant State's)
Attorney designated by the State's)
Attorney for purposes of the Rock Island)
County Electoral Board, MARK SENKO,)
Member of the Rock Island County)
Electoral Board and in his official capacity)
as State's Attorney, and LISA BIERMAN,)
Member of the Rock Island County)
Electoral Board and in her official capacity)
as Clerk of the Circuit Court,)

Respondents.)

No.

12 MR 706

FILED in the CIRCUIT COURT
OF ROCK ISLAND COUNTY
GENERAL DIVISION

JUL 11 2012

David L. Durbin
Clerk of the Circuit Court

PETITION FOR JUDICIAL REVIEW

Douglas L. Strand, petitioner, by and through his attorneys, Katz, Huntoon & Fieweger, P.C. and pursuant to 10 ILCS 5/10-10.1 brings this Petition against Objector, Virgil Dueysen, the Rock Island County Electoral Board, a/k/a County Officers Electoral Board, Karen Kinney Chairperson and in her official capacity as Rock Island County Clerk, Heidi Weller, Member, and in her official capacity as Assistant State's Attorney designated by the State's Attorney for

purposes of The Rock Island County Electoral Board, Mark Senko, Member Of The Rock Island County Electoral Board and in his official capacity as State's Attorney, and Lisa Bierman, Member of The Rock Island County Electoral Board and in her Official Capacity as Clerk of the Circuit Court, brings this Petition as follows:

1. Douglas L. Strand is a resident and registered voter in the City of East Moline, Rock Island County, Illinois. He is a candidate for election to the Office of County Board (District 5) for Rock Island County, Illinois in the General Election for November 6, 2012, and he was a named respondent before the Rock Island County Electoral Board, a/k/a County Officer's Electoral Board.

2. Douglas L. Strand is aggrieved by the decision of the Board in that the Board's decision on the Objector's Petition was adverse to his candidacy and he was ruled off the ballot for the November 6, 2012 General Election. A copy of the Board's decision is attached hereto and incorporated herein as Exhibit 1.

3. Respondent Rock Island County Electoral Board, a/k/a County Officers Board (hereinafter "Board") is a statutory entity with the power to determine the validity of nominating papers pursuant to the objection procedures set forth in Article 10 of the Election Code.

4. Virgil Dueysen is the Objector who brought the objection against the petitioner candidate.

5. Respondent's chairperson, Karen Kinney, Lisa Bierman, Circuit Clerk of the Fourteenth Judicial Circuit, and Heidi Weller, Assistant State's Attorney on behalf of Mark Senko, State's Attorney of Rock Island County and Mark Senko, State's Attorney of Rock Island County, are all the members of the Board.

6. Respondent Karen Kinney is also named in her capacity as Rock Island County Clerk, because she is statutorily required to certify and print the ballot for the election of candidates for Rock Island County Board Election for the November 6, 2012 election and is named for that purpose for relief purposes only.

7. Respondent, Virgil Dueysen, in his objector's Petition, objected only on the ground that "independent candidates are prohibited from running for office if they voted in a primary party in the same cycle (10 ILCS 5/7-43).

8. In the Board's decision, entered July 6, 2012, the Board removed Douglas L. Strand from the November 6, 2012 ballot.

9. The decision of the Board should be reversed for numerous reasons including one or more of the following:

A. The Rock Island County Electoral Board failed to comply with 10 ILCS 5/10-10 in that the Board did not properly serve the Notice of Hearing on petitioner through both certified mail (since petitioner was out of town during the holiday week) and because the Sheriff of Rock Island County was compelled to serve the petitioner, did not serve the petitioner, and did not comply with 735 ILCS 5/2-203 for service on individuals;

B. The Rock Island County Electoral Board failed to make a record of the Sheriff's certificate of service and if such a record would have been maintained, it would indicate that the Sheriff did not serve in compliance with 735 ILCS 5/2-203;

C. The Board considered bases for challenge information and reasons not set forth in writing or pursuant to challenge procedures prior to the deadline for challenges on Monday, July 2, 2012, to-wit: the Board heard testimony regarding a challenge for not enough signatures, which was not a properly raised issue, and which was not procedurally

before the Board, was substantively wrong on the law and not backed by any evidence as no documentary evidence was admitted into the record to support such "point of order," basis, challenge or discussion and such comment may have poisoned the decision of the Board;

D. That the Board failed to grant due process in that it's procedures were arbitrary, capricious and in violation of law;

E. That the substantive objection by objector Virgil Dueysen is wrong as a matter of law in that the alleged basis for rejecting Mr. Douglas Strand's candidacy, namely that he voted in a Democratic Primary on March 20, 2012, was not, at the time of his voting in the Democratic Primary, an issue which would have prevented him from running as an independent candidate as the law cited - 10 ILCS 5/7-43 - did not go into effect until March 30, 2012, ten days after petitioner's vote in the Primary Election);

F. That the statute, 10 ILCS 5/7-43, does not state on its face that it is retroactive, and to the extent that it would have a retroactive application, the statute is a denial of equal protection, substantive and procedural due process with regard to fundamental voting rights, issues which are constitutionally protected and therefore the application in this instance would violate both substantive and procedural due process rights guaranteed under the United States and Illinois Constitutions;

G. That the objector and the Board have waived issues by failing to create an appropriate record for review and by failing to secure and identify exhibits in support of the evidence and decisions;

H. That pursuant to either Illinois law and/or United States constitutional law, ballot access restrictions are heavily burdened, and must be justified by necessity such that the

State is required to employ the least drastic means to achieve a legitimate goal, which is not accomplished by this statute which interferes with substantial constitutional rights that may not be lightly denied including the constitutional protected liberty interests of both running for office as well as ballot access and voting rights;

I. That the Board failed to comply with the Opening Meetings Act; and/or

J. That the decision of the Board should be reversed as it is contrary to law, against the manifest weight of the evidence, is arbitrary and capricious, and a denial of the rights of the petitioner under the United States and Illinois Constitutions; including, but not limited to, equal protection, substantive and procedural due process.

WHEREFORE, petitioner requests that this Petition be granted, that this court enter its judgment reversing the Board finding that the independent candidate petitions filed by Douglas L. Strand be rejected from the November 6, 2006 general election for Rock Island County Board, that the Court determine the candidate's nomination papers be valid and that the petitioner-candidate's name be printed on the November 6, 2012 ballot for election to the office of Rock Island County Board, District 5, and for such other and further relief as the court deems just and equitable.

DOUGLAS L. STRAND, Petitioner

By: 

John F. Doak

For:
KATZ, HUNTOON & FIEWEGER, P.C.
Attorneys for Petitioner
1000 - 36th Avenue
Moline, IL 61265-7126
Telephone: 309-797-3000
Fax: 309-797-2167